

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1476 of 2022

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Gaurav Jalan Son of Late Ram Kishore Jalan Resident of C- 84, Greater Kailash, Part - I, New Delhi - 110048, One of the Director of M/s J.K.M Infra Projects Limited, a company registered under the Companies Act having its registered office at C- 84, Greater Kailash Part - I, New Delhi- 110048 and its Regional Office at Flat no. 403, Gorakh Nath and Leela Apartment, East Boring Canal Road, Patna 800001 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through District Magistrate District- Rohtas at Sasaram.
2. The District Magistrate, District- Rohtas at Sasaram.
3. District Certificate Officer, Sasaram, District- Rohtas at Sasaram.
4. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
5. The Engineer - in - Chief, Rural Works Department, Government of Bihar, Patna.
6. The Executive Engineer, Rural Works Department (W), Division, Sasaram - I.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1658 of 2022

=====

Vaibhav Jalan Son of Late Ram Kishore Jalan resident of C-84, Greater Kailash, Part- I, New Delhi- 110048 one of the Director of M/s J.K.M Infra Projects Limited, a company registered under the Companies Act having its registered office at C-84, Greater Kailash Part- I, New Delhi- 110048 and its Regional Office at Flat no. 403, Gorakh Nath and Leela Apartment, East Boring Canal Road, Patna 800001 (Bihar)

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4. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
5. The Engineer-in- Chief, Rural Works Department, Government of Bihar, Patna.
6. That Executive Engineer, Rural Works Department (W), Division, Sasaram- I.



... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1476 of 2022)

For the Petitioner/s : Mr. Rajeev Shekhar, Advocate

For the Respondent/s : Mr. Kumar Alok (SC 7)

(In Civil Writ Jurisdiction Case No. 1658 of 2022)

For the Petitioner/s : Mr. Rajeev Shekhar, Advocate

For the Respondent/s : Mr. Kameshwar Pd. Gupta (GP 10)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 14-10-2022

In CWJC No. 1476 of 2022, the petitioner has prayed for the following relief(s):-

“i) To issue a Writ in the nature of Certiorary for quashing the Certificate Case No. 1/2019-20 including entire Certificate proceeding having been initiated against the petitioner as same is in teeth of law laid down by this Hon'ble Division Bench of this Hon'ble Court and also being wholly without jurisdiction and arbitrary.

ii) To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.”

In CWJC No. 1658 of 2022, the petitioner has prayed for the following relief(s):-

“i) To issue a Writ in the nature of Certiorary for quashing the Certificate Case No. 1/2019-20 including entire Certificate



proceeding having been initiated against the petitioner as same is in teeth of law laid down by this Hon'ble Division Bench of this Hon'ble Court and also being wholly without jurisdiction and arbitrary.

ii) To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.”

It is not in dispute that petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as “the Act”) is pending consideration/petitioners intend to file before the appropriate authority.

Learned counsel for the parties jointly pray that the instant petitions be disposed of with direction to the appropriate authority to consider and decide the same expeditiously.

Learned counsel for the State states that the appropriate authority shall consider and decide the petition to be filed by the petitioners under Section 9 of the Act positively within a period of two months from the date of appearance of the petitioners before him along with a copy of this order and the issue of limitation shall not come in the way of decision on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-



(a) Petitioners shall appear in the office of the appropriate authority on 09.11.2022 along with a copy of this order, on which date documents in support of the petition shall be filed, or else file a fresh petition under Section 9 of the Act.

(b) The appropriate authority shall consider and dispose of the petitioners' petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioners before him and till then no coercive steps be taken against the petitioners;

(c) The authority shall also examine as to whether the amount in question falls within the definition of public demand or not;

(d) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Order assigning reasons shall be supplied to the parties;

(f) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law,



before the appropriate forum, the same shall be dealt with, in
accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioners to challenge the
order passed by the appropriate authority, before the appropriate
forum, if so required and desired.

(i) We have not expressed any opinion on merits. All
issues are left open;

The petitions stand disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	18.10.2022
Transmission Date	

