

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2449 of 2020

1. Vijay Bahadur Rai @ Vijay Rai Son of Late Hanuman Rai Resident of Rupsagar, P.S.- Nawanagar, District, Buxar- 802129.
2. Narayan Datt Prasad Son of Sri Jawahar Prasad Resident of Bedauli, P.S.- Barahmpur, District- Buxar- 822111.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Bihar, Patna.
2. The District Magistrate, Buxar.
3. The Deputy Development Commissioner, Buxar.
4. The Block Development Officer, Nawanagar Block, District Buxar.
5. The Certificate Officer, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satyabir Bharti Advocate
For the Respondent/s : Mr.Kameshwar Pd. Gupta (GP10)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-09-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

- I. Quashing the Certificate Case no. 01/2014-2015, which has been initiated on the requisition send by the Block Development Officer, Nawanagar, for recovery of a sum of Rs. 21,30,000/- from the petitioners on the allegation of irregularities committed in purchase of Solar Lights;

- II. Quashing the notice dated 3-10-2019 as contained in letter no.489 (Annexure-5) passed by the Certificate Officer, Buxar by which he has issued a 'Last Warning Notice' to deposit Rs. 10,65,005/- each to both the petitioners, failing which proceedings for attachment and arrest will be initiated against the petitioners;
- III. To pass such other order(s) as your Lordships may deem fit and proper 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 petition 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 filed 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 **10th of October, 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 petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-Ishika

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	