

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3778 of 2022**

Uma Singh @ Umakant Sharma Son of Siyaram Singh, Resident of Village -  
Kopa Naubatpur, Post - Naubatpur, P.S.- Naubatpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of Mines Department, Government of Bihar at Patna.
2. The Collector of Patna.
3. The Additional District Magistrate (Law and Order) cum Certificate Officer, Mines, Collectorate (Hindi Bhavan) Near Radio Station at Patna.
4. The District Mines Officer at Patna.
5. The C.O. Bikram, District- Patna.
6. The B.D.O. Bikram, District - Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Ranjay Kumar, Advocate  
For the Respondent/s : Mr.Gyan Prakash Ojha ( G.A. 7)

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

**Date : 27-04-2022**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For issuance of an order/orders, direction/directions, writ/writs, especially in the nature of certiorari for set aside the order dated 29.10.2021 passed by the Certificate Officer at Patna in Certificate Case No. 122/2020-21, whereby and where under petitioner was directed to the deposit dues amount of Mines Department regarding "PARAS MARKA BRICKS INDUSTRY" for the year 2016-17.

- (ii) For the direction to the concern authority regarding proper enquiry for the ownership of aforesaid "PARAS MARKA" Bricks Industry.
- (iii) For any other relief/reliefs for which, petitioner may be found entitled in this 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/petitioner intends 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 petitioner under Section 9 of the Act positively within a period of two months from the date of appearance of the petitioner 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) Petitioner shall appear in the office of the appropriate authority on **18<sup>th</sup> of May, 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 petitioner's petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioner before him and till then no coercive steps be taken against the petitioner;

(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 petitioner to take recourse to such alternative remedies as are otherwise available

in accordance with law;

(g) We are hopeful that as and when petitioner takes 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 petitioner 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/rajiv-

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