

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4270 of 2022

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Dineshwar Rai Son of Late Biseshwar Ray R/o- Mohl- Khelawa Rai Ke Gali,
Dumaron, Ward No.- 26, P.O.- Dumaron, P.S.- Dumaron, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Reforms Department, Patna, Bihar.
2. The Principal Secretary, Urban Development Department, Patna, Bihar.
3. The District Magistrate, Buxar.
4. The Deputy Development Commissioner, Buxar.
5. The Circle Officer-cum-Certificate Officer, Dumaron, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC 25)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 05-05-2022 Petitioner has prayed for the following relief(s):

“1. For issuance of a writ in the nature of certiorari or an appropriate writ, order or directions for quashing the order/Notice dated 01.07.2020 (Annexure-’5’) passed by Circle Officer-cum- Certificate Officer, Dumaron, in Certificate Case No-02 of 2019-20 by which he has directed the petitioner to deposit the sum of Rs.56,000/- (Fifty six thousand only) in the government fund. And also accordingly quashing the entire proceeding of the Certificate Case No-02/2019-20.



1/A. For issuance of other writ/writs, order/orders, direction/directions for which the petitioner found entitle to.”

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 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 20.05.2022 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 of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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