

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8131 of 2021

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Ramdev Singh, Son of Kathari Singh, Resident of Village-Chakki, P.S. Brahmpur, District-Buxar.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Buxar, District-Buxar.
2. The Block Development Officer, Nawanagar, P.S.-Nawanagar, District-Buxar.
3. Additional Collector-cum-the District Certificate Officer, Buxar, District-Buxar.
4. The S.H.O., Nawanagar Police Station, District-Buxar.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Sumeet Kumar Singh
For the Respondents : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 07-02-2022 This matter has been taken up for hearing online because of *COVID-19* pandemic restrictions.

The petitioner in the present writ application is seeking quashing of Certificate Case No. 04 of 2014-15, instituted against him, whereby a demand of Rs.9,11,250/- has been raised under the provisions of the Bihar and Orissa Public Demand Recovery Act, 1914.

Our attention has been drawn by learned counsel



appearing on behalf of the petitioner to a Division Bench decision of this Court dated 22.01.2022 passed in C.W.J.C. No. 17197 of 2021 (***Dasrath Rajbhar alias Dashrath Rambhar vs. The State of Bihar and Others***), whereby in almost identical situation, the petitioner has been relegated to the appropriate authority, relevant portion of which reads thus: -

“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 18th of February, 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”

Learned counsel appearing on behalf of the petitioner and learned counsel for the State submit that this application may also be disposed of in terms of the said order dated 22.01.2022 in case of **Dasrath Rajbhar alias Dashrath Rambhar** (supra).

This application is accordingly disposed of in similar terms with the only modification that the petitioner shall be required to appear in the office of the appropriate authority on



04.03.2022 with a copy of this order.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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