

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4845 of 2022

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Surendra Ram, Son of Ram Vilash Ram, Resident of Mohalla - New Area
Veer Kunwar Road, Aurangabad, P.O. Aurangabad, District - Aurangabad
(Bihar) at present posted as Jan Sewak at Block Kutumba, within District
Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, General Administration
Department, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad (Bihar).
3. The District Certificate Officer, Aurangabad (Bihar).
4. The Block Development Officer, Deo District Aurangabad (Bihar).
5. The Block Development Officer, Kutumba, District - Aurangabad (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Respondent/s : Mr. Sheo Shankar Prasad, SC 8

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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 : 13-05-2022

Heard learned counsel for the parties.

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

“(a) To set aside certificate case No. 24/2017-18 filed
by Block Development Officer, Deo Aurangabad against
the petitioner for recovery 13741299-00 (one crore Thirty
Seven Lakh forty one thousand two hundred rupees,
without considering the reply of the petitioner.

(b) For a direction to the respondent authority to



adjust advance amount after verifying vouchers submitted by the petitioner against advance amount i.e. 13633700-00 given to the petitioner for the distribution of different scheme of Govt. i.e. Virdha Pension.

(c) For any other order/orders on the basis of facts and circumstances stated hereinafter 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/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 30.05.2022 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)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	18.05.2022
Transmission Date	

