

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5475 of 2022

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Sanjay Kumar, Son of Late Jageswar Prasad, Resident of Mohalla - Murarpur,
Bharawpar, P.S.- Laheri, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Prohibition, Excise and Registration Department,
Government of Bihar, Patna.
3. The District Magistrate - Cum - Collector, Nalanda, Bihar Sharif.
4. The District Certificate Officer, Nalanda, Bihar Sharif.
5. The District Sub - Registrar, Nalanda, Bihar Sharif.
6. The Sub-Registrar, Rajgir, District - Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Syed Hussain Majeed, Advocate Mr. Ravish Chandra, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, (SC 11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-05-2022

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

“(a) For quashing of entire Certificate proceeding
in Case No. 11/2021-22 initiated by the Certificate
Officer, Nalanda under the provisions of Bihar and Orissa
Public Demand Recovery Act, 1914 (In brief PDR Act).

(b) For quashing the Notice dated 25.01.2022
issued by the Certificate Officer, Nalanda in Certificate
Case No. 11/2021-22.

(c) For directing and commanding the
Respondents, specially Certificate Officer, Nalanda to not
to take any coercive steps against the petitioner during
pendency of this writ petition.



(d) For any other/reliefs for which petitioner is found entitled in the facts and circumstances of 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 15th of June, 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)

(Satyavrat Verma, J)

Kundan/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	20.05.2022
Transmission Date	

