

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9967 of 2021

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1. Vinita Devi Wife of Santosh Singh Resident of Village- Siri, P.S.- Kargahar, District- Rohtas (Bihar).
 2. Sri Niwas Dubey Son of Shivji Dubey Resident of Village- Siri, P.S.- Kargahar, District- Rohtas (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Rohtas at Sasaram.
2. The District Magistrate, Rohtas at Sasaram.
3. The Certificate Officer-cum-Deputy Development Commissioner, Rohtas at Sasaram.
4. The Managing Director, Sasaram-Bhabhua Central Co-operative Bank Limited, Sasaram, District- Rohtas.
5. The Branch Manager, Sasaram-Bhabhua Central Co-operative Bank Limited, Kargahar Branch, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
For the Respondent/s : Mr. Sushil Kumar, GP-22

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

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 : 11-11-2022

Petitioners have prayed for the following relief(s):

“I. For quashing the Order



dated 15.02.2021 passed in Certificate Case No. 04 of 2020-21 instituted against the Petitioners by Certificate Officer, Rohtas, Sasaram whereby the Certificate Officer, Rohtas, Sasaram has issued Warrant against the Petitioners without hearing the Petitioners without giving opportunity to file Objection under Section 9 of the Public Demand Recovery Act, 1914 without jurisdiction and violation of Principle of Natural Justice.

II. For a direction to the Respondent to allow the Petitioners to file objection under Section 9 of the Public Demand Recovery Act, 1914.

III. For commanding the Respondent to restrain from acting upon the Order dated 25.02.2021 and follow up Orders passed in Certificate Case No. 03 of 2020-21.

IV. For any other relief / reliefs for which the Petitioners are entitled too.”

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/petitioners intend 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 petitioners under Section 9 of the Act positively within a period of two months from the date of appearance of the petitioners 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) Petitioners shall appear in the office of the appropriate authority on 30.11.2022 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 petitioners' petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioners before him and till then no coercive steps be taken against the



petitioners;

(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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioners take 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 petitioners 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)

(Partha Sarthy, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	15.11.2022
Transmission Date	

