

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9822 of 2021

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Jitendra Ram son of Asarfi Ram Ex- Mukhiya of Gram Panchayat Raj of
Jatkouli, resident of Village Jatkouli, P.S. and District Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Panchayati Raj
Department, Bihar, Patna.
2. The Director, Panchayati Raj Department, Bihar, Patna.
3. The District Panchayati Raj Officer, Vaishali at Hajipur.
4. The District Collector, Vaishali at Hajipur.
5. The Certificate Officer, Vaishali at Hajipur.
6. The Block Development Officer, Vaishali at Hajipur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6867 of 2021

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Jitendra Ram Son of Asarfi Ram, Ex-Mukhiya of Gram Panchayat Raj of
Jotkouli, Resident of Vilalge-Jotkouli, P.S. and District Vaishali,

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Panchayati Raj
Department, Bihar, Patna.
2. The Director, Panchayati Raj Department, Bihar, Patna.
3. The Director, Panchayati raj Department, Bihar, Patna.
4. The District Collector, Vaishali at Hajipur.
5. The Certificate Officer, Vaishali at Hajipur.
6. The Block Development Officer, Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 9822 of 2021)

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Respondent/s : Mr.Ajay Kumar (GA5)

(In Civil Writ Jurisdiction Case No. 6867 of 2021)

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Respondent/s : Mr.Ajay Kumar (GA5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 10-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s) in
C.W.J.C No. 8922 of 2021

“ That this writ application is being filed for quashing entire proceeding of Certificate Case No. 261/14-15 filed by the Block Development Officer, Vaishali for realization of Rs. 57174/- from the petitioner jointly along with the Panchayat Secretary without the amount specified independently and without fixing individual liability in a duly constituted proceeding including the over dated 29.06.2019 by which warrant of attachment /D.W. has been issued. And/Or pass such any order or orders, writ/writs, direction/directions for which the petitioner is found to be entitled it he facts and circumstances of this case.”

Petitioner has prayed for the following relief(s) in

C.W.J.C. No. 6867 of 2021

“ That this writ application is being filed for quashing entire proceeding of Certificate Case No. 260/14-15 filed by the Block Development Officer, Vaishali for realization of Rs. 33972/- from the petitioner jointly along with the Panchayat Secretary without the amount specified independently and without fixing individual liability in a duly constituted proceeding including the over dated 24.06.2020 by which warrant of attachment has been issued. And/Or pass such any order or orders, writ/writs, direction/directions for which the petitioner is found to be entitled to the facts and circumstances of this case.”

It is submitted on behalf of counsel for the petitioner that Certificate Case No. 261/14-15 and certificate Case No. 260/14-15 have been initiated against him on the requisition made by the B.D.O., Vaishali for recovery of public debt of Rs. 57,174/- and Rs. 33,972/- and liability of payment of said public debt has been fastened jointly and severally against two persons. Petitioner is ready to pay his 50% liability.

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 7th of February, 2022 along with a copy of this order, on which date documents in support of the

petition shall be filed;

(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) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Order assigning reasons shall be supplied to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) 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;

(g) Liberty reserved to the petitioner to challenge the order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(h) 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)

Rajiv/veena-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA