

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7823 of 2019

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Ravindra Yadav @ Gabbar Yadav S/o Late Jitan Yadav, R/o Village- Mahuari,
P.S.- Siwan Mufassil, Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Siwan.
2. The Collector-cum District Magistrate, Siwan.
3. The Certificate Officer, Siwan, Distt.- Siwan.
4. The Superintendent of Police, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Dr. Umashankar Prasad, Sr. Advocate
		Mr.Kamala Kant Tiwary. Advocate
For the Respondent/s	:	Mrs.Kumari Amrita (GP3)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-10-2022

Petitioner has prayed for the following relief(s):

“(I) For issuance of writ in the nature of certiorari for quashing the notice dt. 14.08.2018 issued by the Respondent no-3 against the petitioner in Certificate Case No. 10/17-18 which contains that under the head of Superintendent of Police a sum of Rs.1,77,020 is due and further explanation has also been sought that why the same should not be recovered by arresting the petitioner and

(II) Further prays for quashing the order dt. 8.11.2018/30.01.2019 issued in the



same proceeding whereby bailable warrant has been issued for arresting the petitioner because the same has been issued without serving notice of the certificate case mentioned above to the petitioner and also prays for any other relief or reliefs for which the petitioner is found entitled to.”

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 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 02.11.2022 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 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)

(Partha Sarthy, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	13.10.2022
Transmission Date	

