

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6424 of 2022

Narasinh Pandit S/o Prasad Padit R/o Ward No.8, Mahualia, PS Sikarpur,
District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Mining, New Secretariat, Patna.
2. District Magistrate, West Champaran.
3. The Block Development Officer, Block Bagaha 2, West Champaran.
4. The Sub Divisional Magistrate cum Certificate Officer, Bagaha, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha (GA 7)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-06-2022 Petitioner has prayed for the following relief(s):-

I. For issuance of writ/writs, order/orders, direction/direction to set aside the entire certificate proceeding of certificate case no 3/20-21 pending in the court of SDM cum certificate officer Bagaha, west Champaran.

II. For issuance of writ/writs, order/orders to hold that in violation of rule 1 of schedule II, the demand is not public demand and violation of the provision, petitioner is not liable to pay certificate amount and consequently issuance of warrant is also bad in eye of law.



III. To grant any other appropriate reliefs, for which petitioner may be deemed entitled under the facts and circumstances 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 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 4th of July, 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)

K.C.Jha/-DKS

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