

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10276 of 2021

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Brajkishor Prasad S/o - Ramdutt Prasad, Gram- Aaudhogik Kshetra Vikash
Bettiah, Thana - Bettiah (Mu.), Zila - Paschim Champaran.

... .. Petitioner/s

Versus

1. Bharat Sangh dwara Kendriya Grih Sachiv, Bharat Sarkar, New Delhi.
2. Vikash Ayukta, (M.S.M.E.) Sukshm, Laghu avam Madhyam Udham Mantralaya, Bharat Sarkar, Nai Delhi.
3. Bihar Rajya dwara Mukhya Sachiv, Bihar Sarkar, Patna.
4. Nideshak, Khadi aur Gramudhyog Ayogya, Post - B.V. College, Sheikhpura, Patna - 14.
5. Mukhya Karyapalak Padadhikari, Jharkhand Rajya Khadi avam Gramoudyog Board (Jharkhand Sarkar ka Upkram) Ranchi, Jharkhand.
6. Zila Padadhikari, Paschim Champaran, Bettiah.
7. Variya Upsamaharta (Banking Koshang), Paschim Champaran, Bettiah.
8. Zila Nilam Patra Padadhikari, Paschim Champaran, Bettiah.
9. Kshtriya Prabandhak, Bhartiya State Bank, Bettiah.
10. Shakha Prabandhak, Bhartiya State Bank, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Indradeo Prasad, Advocate
For the Respondent/s	:	Mr. Ajay Kumar Rastogi, AAG 10
		Mr.Dr. K.N. Singh (Asg)

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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 : 31-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- I. मुख्य कार्यपालक पदाधिकारी, झारखण्ड राज्य खादी एवं ग्रामोद्योग बोर्ड (झारखण्ड सरकार का उपक्रम) का आदेश पत्रांक – 915, दिनांक 07.03.2012 को रद्द करते हुये, प्राकृतिक आपदा से हुयी नुकसानी की पूर्ति आपदा प्रबंधन कोष से करने का आदेश पारित किया जाय।
- II. प्राकृतिक आपदा के पश्चात्तवर्ति संयुक्त आदेश ज्ञापक 401/बैंकिंग दिनांक 17.07.2014 को वहाँ तक रद्द किया जाय, जहाँ तक आवेदक का कारखाना में 0 बी0 के0 इन्टरप्राइजेज, बांनुछापर, बेतिया का भौतिक दखल कब्जा बैंक को दिलाने एवं कारखाना में तालाबंदी करने से सम्बन्धित है।
- III. प्राकृतिक आपदा के पश्चात्तवर्ति के पश्चात्तवर्ति मुकदमा निलाम पत्र वाद संख्या – 182/19-20 में दाखिल आपत्ति पत्र का विधिवत् किया जाय।
- IV. कोई अन्य आदेश / निदेश / रिट जो आवेदक के मौलिक अधिकारों को प्रत्यावर्तित करने के लिए उचित हो, उसे पारित किया जाय।
- V. जब तक इस वाद का अंतिम रूप से निष्पादन नहीं हो जाता है, तब तक के लिए आवेदक का कारखाना में 0 बी0 के0 इन्टरप्राइजेज का ताला खोलने का आदेश सम्बन्धित उत्तरवादियों को दिया जाय।

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 **18th of February, 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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.02.2022
Transmission Date	NA