

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7310 of 2022

Binod Kumar Panday, son of Sri Deena Nath Panday, R/o Utta East Street,
Jehanabad, P.S.- Jehanabad in the District of Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through its Director Magistrate, Jehanabad.
2. The Deputy Development Commissioner, cum Chief Executive Officer, Jila Parishad Jehanabad.
3. The Additional Chief Executive Officer, Jila Parishad Jehanabad.
4. The Superintendent of Police, Jehanabad.
5. The Sub Divisional Magistrate, Jehanabad.
6. The Block Development Officer, Jehanabad.
7. The Circle Officer Jehanabad.
8. The Certificate Officer, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr. Kumar Alok, SC-7
For the Zila Parishad	:	Mr. Nikesh Kumar, Advocate

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

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i) To issue a writ in the nature of certiorari to quash the order vide memo No.24 dated 13/01/21 whereby officer in charge Jeihanabad was directed to ensure the compliance of notice under section 7 of Public demand recovery Act in order to recovery of dues amount arising out of settlement of Shairat in favour of petitioner as well as entire



proceeding of certificate case against the petitioner bearing certificate case No.05/2019-2020.

(ii) Also to issue a writ in the nature of mandamus commanding the respondents to refund the amount of petitioner which was deposited by him pertaining to settlement of Shairat.

(iii) Also for any other relief/reliefs for which petitioner found entitle in the eye of law.”

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 **12th of August, 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) The authority shall also examine all issues including question of fact and law;

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

(f) Order assigning reasons shall be supplied to the



parties;

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

(h) 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;

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

(j) 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)

Ashwini/Sujit

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2022
Transmission Date	NA

