

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7565 of 2022

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M/s Encore Digitech Pvt. Ltd. Having its registered office at 1st floor loknath Apartment, 3 Canal Street, Kolkata-14 through its Director Sanjoy Sadhukhan, aged about 43 years, Gender- Male, Son of Tarak Nath Sadhukhan, Resident of Village- 69, J.K. Street Uttarpara Kotrung (M), Uttarpara, P.S.- Hooghly, West Bengal- 712258.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, SC/ST Welfare Department, Old Secretariat, Government of Bihar.
2. Bihar Mahadalit Vikas Mission (B.M.V.M.) Through its Mission Director, Sachiwalaya Vistarikaran Bhawan, Block-3, Old Secretariat, P.S.- Sachiwalaya, Patna.
3. The District Certificate Officer-Cum- District Development Officer District Development Branch, Patna Collectorate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the State : Mr.Prasant Pratap, GP-2
For Respondent No.2 : Mr. Ranjeet Kumar Pandey, Advocate

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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) Issuance of a writ in the nature of writ of certiorari to set aside/quash the certificate notice dated 24.03.2022 issued by the Respondent No.3, whereby and whereunder the Certificate Case vide its no. 38/2022-23 has been instituted for alleged recovery of Rs. 5060440/- (as contained in Annexure- 5 to the writ petition) as the entire certificate proceeding is not maintainable, non-est and void-ab-initio.
- (ii) Issuance of a writ again in the nature of writ of certiorari to set aside the entire proceedings in certificate case no. 38/2022-23 initiated by the certificate officer-cum-D.D.O., Patna against the petitioner.
- (iii) Issuance of any other writ/writs, order/orders, relief/reliefs to which the petitioner may be found entitled to in 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 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

