

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7824 of 2022

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Dinesh Kumar Singh and Dinesh Singh Son of Late Nathuni Singh Resident of Village Rajanpura, Police Station M.H. Nagar, District Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Development Department, Government of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Deputy Development Commissioner, Siwan.
4. The Certificate Officer-Cum-District Supply Officer, District-Siwan.
5. The Block Development Officer, Daraundha Block District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey, Advocate

For the Respondent/s : Mr.Vikash Kumar (Sc11)

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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 following relief:-

1. That this writ application is being filed for issuance of writ/writs, order/orders, direction/directions for quashing the notice dated

21.1.2022 in certificate Case No. 24/2011 issued under the signature of Respondent No. 4 by which the Respondent No. 4 without examining the fact and without considering that the petitioner filed C.W.J.C. No. 15275 of 2011 against the said amount demanded by the authority and this Hon'ble Court passed the order dated 26.9.2011 in which order of no coercive step was passed and till the date the matter is pending because the Respondent No. 5 has not decided the issue and further direct the Respondent No. 5 to examine the case of the petitioner like similarly situated persons and pass appropriate order and further for any other relief/reliefs as the petitioner is 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)

ranjan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	