

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10915 of 2019

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Rajesh Kumar Jha Son of Late Kamal Jha Resident of Village-Mahinathpur,
Post Office- Mehath, Police Station-Bhairavsthan, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Department of Road Construction, Govt. of Bihar, Patna
2. The Secretary, Department of Road Constructions, Govt. of Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The District Land Acquisition Officer (D.L.A.O.), Madhubani
5. The Block Development Officer (B.D.O.), Jhanjharpur, Madhubani.
6. The Circle Officer (C.O.), Jhanjharpur, Madhubani.
7. The District Certificate Officer, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Jha, Advocate Mr. Prem Kumar Jha, Advocate Mr. Mukesh Mishra, Advocate
For the Respondent/s	:	Mr. Uday Shankar Saran Singh, GP19

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-11-2022

Petitioner has prayed for the following reliefs:

“1. That the petitioner, being the worse affected victim at the hands of respondents, prays for the following reliefs :-

(I) For issuance of appropriate writ/s, direction/s, and order/s in the nature of "Certiorari" for setting-aside the impugned order dated 2.8.2017 contained in form no.-17 passed in Certificate Case No.-1/2016-17 by the District Certificate Officer, Madhubani (Respondent No.-7) whereby and whereunder the



distress warrant has been issued against the petitioner.

(ii) For issuance of appropriate writ/s, direction/s, and order/s in the nature of "Certiorari" for setting-aside the entire proceeding of Certificate Case No.-1/2016-17 initiated against the petitioner in contrary to the provisions under section- 3(6) of Bihar & Orissa Public Demand Recovery Act, 1914 read with Sec.-30 of Land Acquisition Act, 1984.

(iii) For issuance of any other appropriate Order/s, Writ/s, Direction/s for which the petitioner is found to be entitled in the given 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 30.11.2022 at 10:30 A.M. 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)

(Partha Sarthy, J)

Bibhash/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	19.11.2022
Transmission Date	

