

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12903 of 2021

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Baban Singh S/o Shiv Nath Singh R/o Vill- Bharchakiya, Unwans, P.S.-
Buxar (M), Dist- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Rural Development, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Rural Development Dept., Govt. of Bihar, Old Secretariat, Patna.
3. The District Magistrate, Buxar.
4. The Sub-Divisional Officer-cum-Certificate Officer, Buxar.
5. The Block Development Officer, Buxar Sadar, Dist- Buxar.
6. S.H.O. Buxar (Ind.) Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate
For the Respondent/s : Mr.Lalit Kishore, AG

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

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 07-01-2022 Petitioner has prayed for the following relief(s);

“(i) For quashing the Notice dated 07.03.20 under section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914 here in after referred to as the PDR Act issued by Certificate Officer-Cum-Sub-Divisional-Officer, Buxar in the name of petitioner informing that Rs.966714/- amounts were due against Certificate Debtors viz. petitioner in the Certificate Case No.03/2020-21 on account of dues for purchasing solar lamps from a different agency



other than agency earmarked by the Government of Bihar.

(ii) For restraining the respondents from taking any coercive measure against the petitioner including lodging or taking further action or any coercive steps for recovery of the amounts mention in the notice dated 07.03.20 issued under the signature of Certificate Officer-cum-Sub-Divisional Officer, Buxar as the action is wholly arbitrary and unwarranted.

(iii) For the issuance of other appropriate writ/writs, direction/directions, order/orders as may be deem fit and proper.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, submits that petitioner shall be content if a direction is issued to the concerned authority to consider and decide the Appeal to be filed by the petitioner within a period of four weeks along with a copy of this order, within a period of six months from the date of its filing.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall



have liberty to approach this Court by way of separate petition(s), if so required and desired.

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

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.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

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