

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8824 of 2022

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M/s Ganpati Mobile Bank having its office at Sisodiya Complex, Boring Canal Road, S.K. Puri, Patna- 01 through its Proprietor Kamal Vijendra, aged about 55 years, Gender- Male, Son of Rajendra Singh, Resident of 201/A, Raghvendra Lok Apartment, Devi Asthan Road, Behind Vishwaraiya Bhawan, Punaichak, L.B.S. Nagar, Patna, P.S.- Shastrinagar, Dist- Patna.

... .. 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 Respondent/s : Ms.Kumari Amrita (G.P. 3)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 29-07-2022

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. 25/2022-23 has been instituted for alleged recovery of Rs. 13450693/- (as contained in Annexure-4 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. 25/2022-23 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 **26th 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) 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.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	