

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11248 of 2019

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Rashmilata Kumari D/o Harsh Nath Pandey Vill.- Bhaluni, P.O.-
Bhalunidham, P.s.- Dinara, Distt.- Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Finance Department, Govt. of India, New Delhi
2. The State of Bihar through the Principal Secretary, Finance Department, Govt. of Bihar, Patna
3. The Principal Secretary, Industry Department, Govt. of Bihar, Patna
4. The General Manager Punjab National Bank, Bihar Circle, Birchand Patel Path, Patna
5. The Director (Industry) Industry Department, Govt. of Bihar, Patna
6. The Branch Manager, Punjab National Bank, Branch Natwar, Rohtas
7. The General Manager, District Industry Centre, Rohtas at Sasaram
8. The District Certificate Officer, Rohtas at Sasaram

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nagendra Upadhyay, Advocate
For the Respondent/s	:	Mr.Subhash Pd. Singh (GA)
For the PNB	:	Mr.Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(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.)

Date : 25-11-2022

Petitioner has prayed for following relief (s) :-

“That this is an application for issuance of a writ in the nature of certiorari for quashing the notice bearing No. 85 dated 23.06.2016 issued by District Certificate Officer, Rohtas at Sasaram in Case No. 04/2016-17 to the



petitioner as well as Case No. 04/2016-17 against the petitioner as no certificate case is made out against the petitioner as there is no single paisa of the bank is due against the petitioner, with a prayer to quash the said notice and the said case against the petitioner.”

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 19.12.2022 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 of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

chn/sujit

AFR/NAFR	
CAV DATE	
Uploading Date	28.11.2022
Transmission Date	

