

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8999 of 2022

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Jitendra Kumar son of Uday Shankar Paswan, resident of Village Kajichak,
Ratnapur, P.S. Munger Sadar, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Munger.
3. The Deputy Development Commissioner, Munger.
4. The District Programme Officer, Munger.
5. The District Certificate Officer, Munger Sadar, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anurag Saurav, Advocate

For the Respondent/s : Mr.Vinay Kirti Singh (GA- 2)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For quashing of letter bearing Letter no. 100 dated 21.10.2021 issued by District Programme Officer, Munger Sadar, whereby and where under a direction was issued to District Certificate Officer, Munger to initiate a certificate proceeding and the said direction was contrary to the enquiry report submitted by the Enquiry Committee.
- (ii) For Quashing of the entire proceedings arising out of bearing Certificate Case No. 17/2021 – 22 including the Notice under Section 7 of the Public Demand and Recovery Act, 1914 dated 13.12.2021 whereby the petitioner has been asked to deposit a sum of Rs. 19,94,609/- along with interest.
- (iii) For Issuance of Writ in the nature of mandamus directing the respondent authorities specially Respondent No.5 to

considered the Objection filed by the petitioner under section 9 of PDR Act and provide an opportunity of hearing to the petitioner before issuance of Distress Warrant against the petitioner.

- (iv) For Quashing of letter dated 03.03.2022 issued by Respondent no.5 whereby and where under show cause notice was issued to the petitioner for providing explanation in Certificate Case No. 17/2021-22 and further appearance before Respondent No.5 and petitioner was directed to provide the explanation otherwise petitioner will be sent in Civil imprisonment after issuance of warrant.
- (v) For Restraining the Respondents from proceeding further in connection with Certificate Case No. 17/2021-22 during the pendency of the present writ petition.

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 **5th 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 of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	