

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9544 of 2022

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Md. Jawed Kamal, Son of Md. Mustafa Kamal, Resident of - Near Masjid,
Bakanpur, Dighi Godda, P.S Godda Sadar Jharkhand.

... .. 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 Mr. Abhinav Alok, Advocate Mr. Priyajeet Pandey, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, AAG-4

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

Date : 27-07-2022

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 15.03.2022 issued by Respondent no.5 whereby and where under a direction was made for issuance of Warrant of arrest against the petitioner without making any consideration on the objection filed by the petitioner and without providing any opportunity of hearing to the petitioner.
- (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 **16th 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 of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	29.07.2022
Transmission Date	

