

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9743 of 2022

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Pinku Kumar S/o Nawal Kishore Singh, R/o Vill- Kemra, PO- Diha, PS- Ariyari, Distt. Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchyati Raj Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Panchyati Raj Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Panchyati Raj Department, Govt. of Bihar, Patna.
4. The District Magistrate, Sheikhpura.
5. The District Panchayat Raj Officer, Sheikhpura.
6. The Deputy Development Commissioner, Sheikhpura.
7. The District Certificate Officer, Sheikhpura at Sheokhpura.
8. The Sub Divisional Officer, Sheikhpura.
9. The Block Development Officer, Chewara, Distt. Sheikhpura.
10. Suresh Yadav S/o Hari Nandan Yadav, R/o Vill- Rajaura, PO- Ekrama, PS- Ariyari, Distt.- Sheikhpura, Presently UP Mukhiya, Gram Panchyat Ekrama, Block- Chewara, Distt- Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Respondent/s : Mr. Ajay (GA-5)

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

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(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.)

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Date : 22-07-2022

Heard learned counsel for the parties.

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



(i) To issue an writ(s) **CERTIORARI** in the nature setting aside the memo no. 654 dt. 23/06/2022 issued under signature of District Panchyat Raj Officer, Sheikhpura respondent no. 5, by Incharge, Auction Certificate Branch has been directed for attachment of property of petitioner

which has been issued on direction of District Magistrate, Sheikhpura vide Sanchika no. 17/2020 at page 03 in connection with Certificate case no. 649/2019-22.

(ii) To issue an writ(s) **CERTIORARI** in the nature setting aside the remarks made by District Magistrate Sheikhpura in Sanchika no. 17/2020 at page 03 in connection with Certificate case no. 649/2019-22 by which he has ordered for attachment of property of petitioner(the copy of same is not with petitioner),

(iii) To any other relief (S) for which petitioners are entitled for 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 **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)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	22.07.2022
Transmission Date	

