

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9749 of 2022

M/s Neeraj Traders through its Proprietor Neeraj Kumar Singh, Male,
aged about 43 years, Son of Late Suresh Singh, Resident of Village-
Dumra, Police Station- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Bank of India through the Regional Manager, Regional Office, Muzaffarpur.
2. The District Magistrate, East Champaran at Motihari.
3. The Branch Manager, State Bank of India, Branch Office, Kotwa.
4. The Certificate Officer cum Sub Divisional Officer, Sadar Motihari, East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Respondent/s: Mr.Raghwendra Kumar (S.C.22)

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

Date : 04-08-2022

Heard learned counsel for the parties.

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

- (i) For issuance of a writ in the nature of certiorari to quash entire proceeding of Certificate Case No. 212/SBI/19-20 (Kotwa [Annexure - 3 (Series)]), pending before the respondent no. 4 as well as order dated 21.04.2022 by which the petition dated 31.03.2022 has been rejected and the concerned officer in charge is directed to comply the order dated 09.12.2021 by which warrant of arrest has been issued.
- (ii) For issuance of a writ in the nature of Mandamus directing and commanding to the respondents to stay the warrant of arrest issued against the petitioner.
- (iii) And for any other relief(s) for which petitioner is found to be entitled in view of 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 **29th 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	