

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9808 of 2022

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Kumar Arbind Singh Son of Late Aaryu Singh Resident of Village-Kusuma
Basdiha, P.S.-Simra, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The District Magistrate, Aurangabad.
3. The District Certificate Officer, Aurangabad.
4. The Branch Manager, Dakshin Bihar Gramin Bank Mahrajganj Road,
Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad (SC8)

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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):-

1. That is an application for issuance of appropriate writ/writs, order/orders, direction/directions for quashing the order dated 05.03.2022 issued in Certificate Case no. 410/2019-20 by Respondent no. 3 Whereby and where under ballable warrant was issued to procure the presence of petitioner and next day has been fixed on 06.06.2022. petitioner further seeks

Hon'ble Court indulgence commanding the Respondent Bank authorities to sent the requisition for issuance of certificate case in pursuance of petitioner being defaulter of payment of loan of Rs. 9,38,142/- without taking into consideration the scheme for waiver of agriculture loan under Agriculture Loan and debt relief scheme 2008 (Krishi Rin Mafi Aur Rin Rahat Yojana, 2008) as petitioner is a marginal farmer as defined in the scheme abovementioned under clause 5 read with clause 3.5 of the scheme and he is otherwise entitled for the waiver of agriculture loan.

Petitioner further seeks any other relief for which he is found entitled in the eye of law and in the fact and circumstances of the present 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	