

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10534 of 2022

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Shambhu Nath Choubey, Son of Late Rajeshwar Choubey @ Ramdahim Choubey, Resident of Village - Khajhara, Post Office - Khajhara, Police Station - Mohania, District - Kaimur at present residing at Flat No. 402 B, R.N. Apartment, I.A.S. Colony, Kidwaipuri, Police Station - Kotwali, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Kaimur at Bhabua.
2. Certificate Officer - Cum- Additional Sub-Divisional Officer, Mohania, District - Kaimur at Bhabua.
3. Branch Manager, Gramin Bank, Panapur Branch, at Post Office Panapur, Police Station Mohania, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Lal, Advocate
		Mr. Naresh Chandra Verma, Advocate
For the Respondent/s	:	Mr.Smt. Anuradha Singh (SC-21)

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

Date : 11-08-2022

Heard learned counsel for the parties.

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

That, this is an application for quashing the order dated 14.06.2021 and order dated 07.06.2022 passed by the Certificate Officer, Mohania, District- Kaimur in Certificate Case No. 31(B) of



2021-22 as contained in Annexure- 2 and the notice dated 07.06.2022 issued by the Certificate Officer for depositing the due amount as contained in Annexure- 4.

It is stated at the Bar that petitioner has filed petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as “the Act”) which is pending consideration 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 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 12th of September, 2022 along with a copy of this order, on which date documents in support of the petition shall be filed;

(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 shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	12.08.2022
Transmission Date	

