

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10810 of 2022

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1. Alam Dewan S/o Late Salim Dewan R/o Village- Budhawa Champapur, P.S. Shikarpur, District- West Champaran.
 2. Zalam Dewan @ Zalamuddin Dewan S/o Late Salim Dewan R/o Village- Budhawa Champapur, P.S. Shikarpur, District- West Champaran.
 3. Kalam Dewan S/o Late Salim Dewan R/o Village- Budhawa Champapur, P.S. Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Managing Director, Bihar Land Development Bank, Budh Marg, Patna-1, Bihar
3. The Branch Manager, Bihar Land Development Bank, Narkatiyaganj, West Champaran.
4. The Certificate Officer, Bettiah, West Champaran.
5. The District Magistrate, Bettiah, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Kumar, Advocate Ms. Mitali, Advocate
For the Respondent/s	:	Mr.Sarvesh Kumar (GP24) Mr. Manoj Kumar, AC to GP-24

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 18-08-2022 Petitioners have prayed for the following relief(s):

“i. Quashing the entire proceeding initiated through Certificate Case No. 48/2016-17 and subsequently through Certificate Case No. 27/2018-19 for recovery of agricultural loan of Rs.10,000/- taken by the petitioner’s deceased father late Salim Dewan in the year 1988 and



died in the year 1990.

ii. Quashing the order/directions given in notice dated 30.04.2016 and 15.02.2019 issued u/s 7 of the P.D.R. Act, 2014 in Certificate Case No. 48/2016-17 and Certificate case no. 27/2018-19 consecutively.

iii. The order/directions given in Letter no. 32 dated 08.02.2021 and notice dated 19.07.2021 issued in Form 17 (Prapatra 17).

iv. Issuance of an appropriate writ, order or direction including a writ in the nature of mandamus commanding the Respondents to forbear from giving effect to the above notices and be pleased to interdict them from interfering with the right title and possession of petitioners on the land in question which was mortgaged by the petitioner's deceased father for the above loan amount.

v. To hold and declare that the concerned Respondents are answerable/accountable in public law for abuse and misuse of his statutory power and to fix reasonable compensation against the erring respondents payable to the petitioner;

vi. To grant such relief/reliefs as the petitioner found entitled to and to grant cost of an incidental to the proceeding to the petitioner;

vii. To grant any other relief/reliefs, order/orders, direction/directions for which the petitioner is found to entitled 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 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 5th of September, 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)

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