

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1536 of 2021

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PANCHA DEVI, Wife of Rudal Rai, Resident of Village- Tikarampur, Tole-Bhaiya Rampur, P.s.- Mufassil, District- Munger, The then Up-Mukhiya of Village Tikarampur, P.s.- Mufassil, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Primary Education Department, Government of Bihar, Patna
2. The District Magistrate Munger
3. The District Certificate Officer, Munger
4. The Block Development Officer, Sadar, Munger
5. The Panchyat Secretary of Panchayat Tikarampur, Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) Challenging the entire certificate proceeding of Certificate Case No. 6/2019-20 including Notice dated 14.02.2020 before the Certificate Officer, Munger whereby and whereunder Certificate Case was drawn before the Certificate Officer Munger in terms of requisition made by Block Development Officer, Sadar, Munger u/s. 5 of the Bihar & Orissa Public Demands Recovery act 1914 in response to the order dated 25.6.19 passed by Lokayukt & order dated 19.12.2019 contained in Memo No. 1574 passed by District

Magistrate, Munger for realization of an amount of Rs. 1,67,070/- from the petitioner.

(ii) Challenging the order dated 7.3.2020/12.3.2020/20.03.2020 whereby and whereunder the District Certificate Officer Munger was please to issue warrant for civil prison u/s 30 o the PDR Act against the petitioner.”

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 **15th of March, 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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	