

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11685 of 2022

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Anuj Kumar Singh, son of late Virdev Singh, resident of village -
Vishwambharpur, P.O. - Rahampur, P.S. Garkha, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary Department of Finance, Government of Bihar, Patna.
3. The Collector-Cum-District Magistrate, Saran at Chapra.
4. The District Certificate Officer, Saran at Chapra.
5. The Branch Manager, Uttar Bihar Gramin Bank, Dhanaura, under Awtarnagar P.S. District - Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Respondent/s : Mr. Anil Kr. Singh. GP-26

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-08-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

- (i) For quashing the entire proceedings arising out of Certificate Case No. 03 of 2018-19 including the notice under section 7 of the Bihar and Orissa Public Demand and



Recovery Act, 1914 dated 20.12.2018 whereby the petitioner has been asked to deposit a sum of Rs. 1092912/-.

(ii) And issuance of a writ in nature of mandamus directing the respondent authorities specially respondent no. 4 to consider the objection made by the petitioner under section 9 of the Bihar and Orissa Public Demand Recovery Act and also provide an opportunity of hearing to the petitioner before issuance of coercive action against him.

(iii) For quashing of Memo No. 323 dated 21.06.2022 issued by respondent no. 4 whereby and where under respondent no. 4 without providing an opportunity of hearing to the petitioner directed to him to deposit the certificate amount in a sum of Rs. 1551928/- and in case of failure directed to issue body warrant against the petitioner.



- (iv) For restraining the respondents from proceeding further in connection with certificate case no. 03 of 2018-19 during the pendency of the instant writ petition.
- (v) For also take appropriate action against concern authorities / respondents who maliciously act upon the petitioner in collusion with a local people who prejudiced by him which is beyond the mandate of law.
- (vi) For directing the respondents to take appropriate actions in view of the relevant provisions of Bihar and Orissa Public Demand Recovery Act, 1914 as well as in preview of natural justice guaranteed by the Constitution of India.
- (vii) And for any other relief/ reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case, in the light of safeguard provided by the Constitution of India.



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 7th 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) The authority shall also examine all issues including question of fact and law;

(e) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing as also leading evidences has to be afforded to the parties;

(f) Order assigning reasons shall be supplied to the parties;

(g) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(h) 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;

(i) Liberty reserved to the petitioner to challenge the order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(j) 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)

(Satyavrat Verma, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	25.08.2022
Transmission Date	

