

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12115 of 2022

1. Gopal Kumar @ Gopal Yadav S/o Late Jai Kishore Yadav, r/o vill. - Sathma, P.O.- Purwan, P.S. - Beldaur, Distt. Khagaria.
2. Vishal Yadav, S/o Late Jai Kishore Yadav, r/o vill. - Sathma, P.O.- Purwan, P.S. - Beldaur, Distt. Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Mines, Bihar at Patna.
2. The Principal Secretary, Department of Mines, Bihar at Patna.
3. The District Magistrate, Khagaria at Khagaria.
4. The Mines Development Officer, Khagaria at Khagaria.
5. The Inspector of Mines, Khagaria at Khagaria.
6. The District Certificate Officer, Khagaria at Khagaria.
7. Sri Panka Kumar, S/o Vijay Raghav Sharan Ray, r/o vill. - Khajraitha, P.S. - Parbatta, Distt. - Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha (GA7)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 26-08-2022

Petitioners have prayed for the following relief(s):



“(i) To issue an writ(s) **CERTIORARI** in the nature setting aside the ex party order dt. 03/02/2022 issued under signature of District Certificate Officer, Khagaria respondent no. 6, in Certificate Case no. 01/20-21, by which the case filed by the Inspector, Mines, Khagaria, respondent no. 5 has been allowed without following the Principal of Natural Justice as no notice of certificate case was ever served to the petitioners, and no any opportunity was granted to defend themselves.

(ii) To issue an writ(s) **CERTIORARI** in the nature setting aside the order dt. 03.06.2022 by which B/W has been issued against petitioners for recovery of certificate amount in Certificate Case no. 01/20-21.

(iii) To any other relief (S) for which petitioners are entitled for 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 12th 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)

(Satyavrat Verma, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2022
Transmission Date	

