

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14010 of 2019

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Anil Kumar @ Anil Paswan, S/o Sonelal Paswan, Resident of Village Jagparha (Yashparha), PS Tisiauta, Dist. Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, govt. of Bihar, Patna
2. The Director, Panchayati Raj Department, Govt. of Bihar, Patna
3. The District Panchayati Raj Officer, Vaishali, Hajipur.
4. The District Magistrate, Vaishali, Hajipur
5. The Certificate Officer, Vaishali, Hajipur
6. The Deputy Development Commissioner-cu-Chief Executive Officer, District Board, Vaishali, Hajipur
7. The Block Development Officer, Jandaha, Dist. Vaishali, Hajipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar, Advocate Mr. Abhinav Alok, Advocate Mr. Pramod Mishra, Advocate
For the Respondent/s	:	Ms. Archana Meenakshee (GP6)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-12-2022

Heard learned counsel for the parties.

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

“For issuance of any appropriate writ/writs, setting aside/quashing the certificate case No.299/2014-15 and 301/2014-15 initiated against the petitioner under Public Demand Recovery Act as well as all or any consequential coercive steps jointly with one Chandeshwar Ram, Panchayat Secretary for recovery of some amount



alongwith 12% per annum interest on the ground that under a scheme of 12th finance year for solar lamps in which it has been stated that the petitioner alongwith the then Panchayat Secretary in her capacity of Mukhiya has purchased the said solar lamps on higher prices in the year 2006-07, 2008-09 and 2009-10 for which a liability of Rs.1,50,466/- (One lakh fifty thousand, four hundred sixty six) and Rs.2,55,556/- (Two Lakh, fifty five thousand, five hundred and fifty six only) respectively alongwith amount of interest has arbitrarily and illegally fixed upon the petitioner without affording any opportunity of hearing whereas the petitioner has very much done the whole works of scheme as per rules by inviting quotations and only upon selections of Agency of repute by the Aam Sabha the solar lamps have been purchased and there has been no question of excess payment as all the payments were made through cheques and now after all most elapse of more than six years of completing the said scheme under some conspiracy such illegal demand of recovery from the petitioner is being raised. And/or for any other relief or reliefs for which petitioner is found entitled to, in the facts and circumstances this 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 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 20th of December, 2022 at 11.00 a.m. 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)

(Partha Sarthy, J)

Ashwini/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	07.12.2022
Transmission Date	

