

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12112 of 2022

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Nand Kishore Prasad Son of Late Sahdev Prasad Resident of Village-Dangi
tola Rajgir, P.S.-Rajgir, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Principal Secretary Urban Development and Housing
Department Govt of Bihar, Patna.
2. The Executive Officer, Nagar Panchayat, Rajgir, Nalanda
3. The Director Collector, Nalanda at Bihar Sharif
4. The District Certificate Officer, Nalanda at Bihar Sharif
5. The Sub Divisional Officer, Rajgir, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Prasad, Advocate
For the Respondent/s : Mr.Subhash Pd. Singh (GA3)

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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

Petitioner has prayed for the following relief(s):

“For issuance of a writ in the nature
of certiorari or any appropriate writ's, order's,
direction's commanding the Respondents for
quashing of the proceeding Certificate Case No.
09/2018-19 issued by the Certificate Officer,
Nalanda under section 7 of Bihar & Orisa Public
Demand Recovery Act 1914 where by the



petitioner has been directed to deposit Rs.100000/ in the light of request made by the Executive Officer, Nagar Parishad, Rajgir, Nalanda in which allegation alleged that the petitioner was illegally constructing his house without approval of map and for any other and direction 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	

