

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17227 of 2021

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Bahadur Singh, S/o Late Ambika Singh, resident of Village- Akolhi, P.O. and
P.S.- Nuaon, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Kaimur at Bhabua.
2. The Additional Collector, Kaimur at Bhabua.
3. The Circle Officer, Nuaon-cum- Certificate Officer, Nuaon (Kaimur).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the
Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 22-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) To issue an appropriate order/s direction/s
including a writ preferably in the nature of
CERTIORARI for quashing the Demand
Notice dated 22.09.17 issued to the petitioner in
connection with Certificate Case No. 251/2007-
08, 237/2007-08, 50/2006-07, 01/2007-08
under section 7 of the Bihar and Orissa Public
Demand Recovery Act, 1914 whereby and
whereunder the petitioner has been directed to

pay a sum of Rs. 35, 935/-, 36,037/, 67,375/- and Rs. 9,998/- on account of demand and Rs. 50/- in all cases within days of the receipt of notice if deying any liability file a petition for denying the liability.

(ii) To quash the warning notice dated 21.01.2017 issued to the petitioner in connection with Certificate Case No. 50/2006-07, 01/2007-08, 237/2007-08 and 251/2007-08 issued from the office of Certificate Officer, Nuaon whereby and whereunder he has directed the petitioner to make the payment of arrears of amount i.e. Rs. 93,881/-, Rs. 12,728, Rs. 1,05,478.96 and Rs. 86,163/- and deposit the same in the Nazarat failing which warrant of attachment shall be issued.

(iii) To quash the notice dated 10.07.21 issued from the office of certificate Officer, Nuaon directing the petitioner to deposit a sum of Rs. 1,78,967/- in twelve equal installments commenced from August 2021 in connection with remaining case No. 85(M)/04-05, 50(M)/05-06, 368(M)/04-05 failing which legal action shall be taken.

(iv) To any other relief/s to which the petitioner is entitled 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 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 **18th of February, 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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	