

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17197 of 2021

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Dashrath Rajbhar alias Dashrath Rambhar, Son of Late Kedar Rajbhar
Resident of Village- Basudhar, P.S.- Itarhi, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Buxar.
2. The District Certificate Officer, Buxar.
3. The Certificate Officer-cum-S.D.M., Buxar.
4. The Block Development Officer, Buxar, Sadar, District- Buxar.
5. The S.H.O., Buxar (M) Police Station, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh, Advocate
For the Respondent/s : Mr.Manish Kumar (G.P. 4)

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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) For issuance of an appropriate writ/order or direction(s) for quashing the Certificate Case No. 4 of 20-21 initiated against the petitioner by which a demand of Rs. 701030 has been made, on the ground that the various places of Certificate of Public demand is blank, number of Certificate is blank, Form No. 2 and Form No. 1.

(ii) For issuance of an appropriate writ/order or direction(s) for quashing the Certificate Case No. 4 of 2020-2021 instituted against the petitioner on the ground that the amount raised by the Certificate Officer-cum-S.D.M., Buxar (R-3) is without

jurisdiction and thus it is unsustainable in the eye of law also on the ground that the solar lights were placed and hoe the calculation is being made need to be ascertained by the Court proceeding i.e. Civil Court not through the Certificate Case as there was no written instrument/agreement.

(iii) For any other relief/reliefs for which the petitioner is entitled for.”

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	