

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14486 of 2019

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Manoj Prasad Sah @ Manoj Sah S/o Udit Narayan Sah, resident of Village-
Kalyanpur, P.S.- Bariarpur, Distt.- Munger

... .. Petitioner/s

Versus

1. The Mines and Mineral and Commissioner New Secretariat, Bihar, Patna
2. Certificate Officer (Mines)-cum-Deputy Director Mine and Mineral,
Bhagalpur Division, Bhagalpur P.S., Distt.- Bhagalpur
3. The Certificate Office, Mines Munger Division, Munger P.S. and District-
Munger
4. The District Magistrate, Munger
5. The District Mining Officer Munger, P.S. & Distt.- Munger
6. The Mines Development Officer, Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar Singh, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha (G.A. 7)
For the Mines	:	Mr. Naresh Dixit, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2022

Petitioner has prayed for following relief (s) : -

- i. For that this is an application for issuance of a writ in the nature of certiorari or an appropriate writ or order or orders for quashing the certificate case no. 82/ 2001-02 dated 12.1.2002 whereby and whereunder a demand of Rs. 36,996/- has been demanded by Respondents from the petitioner for not paying the rent amount of Brick Kiln for the year 1999 to 2000.
- ii. For quashing the Warrant of attachment of movable property in execution of Decree for money of Rs. 98,979/- in case no. 445/ 2008-09 dated 4.12.2015 issued under the signature of respondent no.3.



iii. Since the petitioner has no Brick-kiln, nor he has ever run any Brick-kiln, so the alleged demand as well as the Warrant of attachment of movable property be held to be illegal, unwarranted and without jurisdiction.

iv. Whether petitioner is entitled for any compensation for giving mental tension torture and loss of prestige in the society.

v. Any other relief or reliefs which the petitioner is legally entitled to get it.”

It is not in dispute that petition under Section 9/60 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 9/60 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 27.12.2022 at 10:30 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 9/60 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)

(Partha Sarthy, J)

Sujit/Chn

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2022
Transmission Date	

