

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18054 of 2021

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1. Bachan Deo Sah S/o Channu Sah, resident of Village - Mahgama, P.S. Laraiya Tand.
 2. Ashok Kumar Das S/o Late Babu Lal Das, resident of Village - Mahgama, P.S.- Laraiya Tand, Distt.- Munger.
 3. Niraj Kumar, S/o Sudhir Yadav, resident of Village - Mahgama, P.S.- LaraiyaTand, Distt. - Munger.
 4. Ganesh Sah, S/o Late KapooriSah, resident of Village - Mahgama, P.S. - LaraiyaTand, Distt.- Munger.
 5. Mira Devi, W/o Tarni Das, resident of Village - Mahgama, P.S. LaraiyaTand, Distt.- Munger.
 6. Hemanti Devi, W/o GabbarSuri, resident of Village- Mahgama, P.S. LaraiyaTand, Distt.- Munger.
 7. Urmila Devi, W/o Bindeshwar Ram resident of Village - Mahgama, P.S. LaraiyaTand, Distt. - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Development, Patna.
2. The Principal Secretary, Panchayati Raj Department, Patna.
3. The District Magistrate, Munger.
4. The District Panchayati Raj Officer, Munger.
5. The Certificate Officer, Munger.
6. The Executive Engineer, Manrega, (District Rural Development Officer), Munger.
7. The Sub-Divisional Officer, Sadar, Munger.
8. The Block Development Officer, Dharahra, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan, Advocate
For the Respondent/s : Mr.Ajay (G.A. 5)

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

Date : 29-06-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

1. That this is an application for issuance of an appropriate writ/writs, order/orders or direction/directions for the following relief:-

(i) For setting aside the notice dated 14.07.2021 issued by the Certificate Officer, Munger in certificate Case No 15/21-22, against the petitioners, whereby and whereunder the certificate officer, Munger has given direction to the petitioners to deposit the amount of Rs 12,19,408/- Rs 3,14,616/- and Rs 1,98,066/-. The Certificate Officer, Munger has also given direction to the petitioners to file objection petition against the above mentioned demand as well part of the above demand, within 30 days from the date of issuance of the aforesaid notice.

(ii) For directing and commanding the certificate officer, Munger to stay the operating part of the Notice dated 14.07.2021.

(iii) For directing and commanding the certificate officer, Munger to consider/ dispose the objection petition filed by the petitioners under section 09 of Bihar & Orissa Public Demand Recovery Act, 1914

(iv) For any other relief(s) be granted to the petitioners for which they are found 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 petitioners under Section 9 of the Act positively within a period of two months from the date of appearance of the petitioners 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) Petitioners shall appear in the office of the appropriate authority on **19th of July, 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 petitioners'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 petitioners;

(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 petitioners to

take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioners take 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 petitioners 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)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	