

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17837 of 2021

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Ramchandra Ram Son of Late Ramautar Ram, Resident of Vilalge-Paharpur,
P.O. Sonebarsa, P.S. Tariyani, District-Sheohar, the retired Panchayat
Secretary, Sheohar Block, District-Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Sheohar, District-Sheohar,
4. The deputy Development Commissioner, Sheohar, District-Sheohar.
5. The Deputy Development Commissioner, Sheohar, District-Sheohar.
6. The Block Development Officer, Sheohar, District-Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, Advocate
For the Respondent/s : Mr.Vinay Kirti Singh (GA-2)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (1) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the requisition dated 10.04.2020 filed by the Block Development Officer , Sheohar (Respondent no.6) before the Certificate Officer, Sheohar (Respondent no.5) under Section -5 of Bihar and Orissa Public Demand Recovery Act, 1914 whereby and where under the Respondent no.6 has been filed a requisition before the Respondent no.5 for initiation of certificate proceeding for recovery of the

amount of Rs.22,85,000/- against the advance taken by the petitioner of different schemes as well as interest of Rs.19,13,421/- i.e. total amount of Rs.41,98,421/- on the ground that before filing of requisition, the Respondent no.6 did not adjust the amount of Rs.10,01,539/- for which entry was made in the measurement book and it is pending for its adjustment as also the amount of Rs.9,31,473/- which has been recovered from the retiral dues of the petitioner vide memo no.2541 dated 25.10.2018 .

- (II) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the Notice dated 20.03.2021 issued by the Certificate Officer (Respondent no.5) under Section 7 of the Bihar and Orissa Public Demand Recovery Act, 1914 to the petitioner in Certificate Case No. 07 of 2020-21 whereby and where under the Respondent no.5 asked the petitioner to submit his reply that as to why he is not liable for the said amount as also for quashing of the entire proceeding of Certificate Case No.07 of 2020-21 launched against the petitioner on the ground that after adjusting the amount entered in the measurement book as also the amount recovered from the retiral dues of the petitioner , there is nothing to recover from the petitioner .

- (III) For issuance of any other appropriate writ/writs ,order /orders, direction/directions for which the writ petitioner would be found entitled under 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 **15th 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 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)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	