

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13572 of 2022

Shobha Devi, W/o Uday Kumar, Resident of Village and P.O. Mustafaganj
Panchayat, Chand Parma, PS- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayat Raj Department, Bihar, Patna.
2. The District Magistrate-cum-Collector, Muzaffarpur.
3. The Additional Collector, Muzaffarpur.
4. The Sub Divisional Officer (East), Muzaffarpur.
5. The District Panchayat Raj Officer, Muzaffarpur.
6. The Block Development Officer, Minapur, District - Muzaffarpur.
7. Ajay Kumar S/o Sri Jagdish Bhagat, R/o Village and P.O. - Mustafaganj, Panchayat, Chand Parma, P.S. - Minapur, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate
For the Respondent/s : Mr.Kumar Alok, SC-7

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 16-09-2022

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 nature of Certiorari for quashing the letter No. 798 dated 19-05-2022 issued to the petitioner by the Block Development Officer, Minapur (Hereinafter referred to as respondent N. 6) whereby and where under the petitioner has been directed to furnish explanation within two days before the undersigned as to why certificate case should not be instituted followed by lodging of First Information Report with respect to difference of amount of Rs. 3, 17, 147/- came into the amount entered in the measurement book and actual work due cost.
- (II) To quash the notice dated 20-05-2022 issued to the petitioner under section 5 of the Bihar and Orrissa Public Demand Recovery Act, 1914 directing to recover amount of Rs. 3, 17, 147/ - due in respect of Mukhyamantrri Gramin Pay Jal Nischay Yojna.
- (III) 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 30th of September, 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) The authority shall also examine all issues including question of fact and law;

(e) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing as also leading evidences has to be afforded to the parties;

(f) Order assigning reasons shall be supplied to the parties;

(g) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(h) 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;

(i) Liberty reserved to the petitioner to challenge the



order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(j) 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)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	19.09.2022
Transmission Date	

