

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14803 of 2022

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Bahadur Singh Son of Late Ambika Singh, Resident of Village-Akolhi, P.S.-
Nuaon, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Kaimur at Bhabua.
2. The Additional Collector, Kaimur at Bhabua.
3. The Circle Officer, Nuaon-cum-Certificate Officer, Nuaon (Kaimur).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19
		Mr. Saurabh Kumar, A.C. to SC-19

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-11-2022

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 the nature of CERTIORARI for quashing the warning notice dated 30-05-22 and 29-07-22 issued from the office of Certificate Officer –cum- Circle Officer, Nuaon, Kaimur in connection with Certificate Case NO. 86 (M)/ 2004-05 under Bihar and Orissa Public Demand Recovery Act, 1914 direction the petitioner to



deposit a sum of Rs. 35,933/- arrears of amount by 30-08-22 in the Nazarat and produce the receipt failing which warrant of attachment shall be issued.

- (ii) To any other relief/s to which the petitioner may be 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 petitioner under Section 9 of the Act positively within a period of three 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 21st of November, 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 three 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, shall stand
disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	04.11.2022
Transmission Date	

