

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18587 of 2019**

=====

Deepak Kumar Singh S/o Late Suresh Singh Vill.- Dewapur, P.s.- Barauli,  
Distt.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar the Principal Secretary, Finance Department, Govt. of Bihar, Patna
2. The General Manager Head Office- North Bihar Gramin Bank, Head Office- Kalambagh Chawk, Muzaffarpur
3. The Regional Manager Regional Office, Uttar Bihar Gramin Bank, Vaibhav Complex, Banjari Road, Gopalganj, Distt.- Gopalganj
4. The Branch Manager Branch Office- Uttar Bihar Gramin Bank, Dewapur, P.s.- Barauli, Distt.-Gopalganj
5. The District Certificate Officer Gopalganj

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Md. Anisur Rahman, Advocate  
For the Respondent/s : Mr. Chitranjan Sinha, PAAG 2

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 08-12-2022**

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

“(A) For issuance of appropriate writ/ order or direction 12.12.2018 quashing the Notice dated in Certificate Case no. 600/2018-19 by the Respondent no. 5 the District Certificate Officer, Gopalganj under section 7 of the Bihar and Orissa Public Demand Recovery Act by which the petitioner has been directed to deposit a sum of Rs. 12,79,214/- on the basis of the requisition submitted by the



Respondent no. 4.

(B) For issuance of appropriate writ/ order or direction restraining the Respondents from realizing the said amount of Rs. 12,79,214/- from the petitioner.

(C) For issuance of appropriate writ/ order or direction for making inquiry by any Independent Agency such as C.B.I. or Vigilance with regard to embezzlement of heavy amount in the office of the Respondent no. 4 and also for withdrawing a heavy amount account from the loan of the petitioner by the office staffs of the respondent no. 4.

(D) For issuance of appropriate writ/ order or direction commanding the Respondents to calculate the amount deposited by the petitioner and also the amount of Rs. 430501/- deposited in the name of petitioner's mother Kanti Devi under Money Multiplier Deposit and also to return the pass book of said account of the petitioner.

(E) For any other relief or reliefs for which the petitioner is found entitled in the opinion of this Hon'ble court.”

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 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 23.12.2022 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)**

**( Partha Sarthy, J)**

Bibhash/KCJha

|                   |            |
|-------------------|------------|
| AFR/NAFR          |            |
| CAV DATE          |            |
| Uploading Date    | 14.12.2022 |
| Transmission Date |            |

