

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15855 of 2022

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Umashankar son of late Kashi Nath Choudhary, resident of Mohalla- Patel
Nagar, Bikramganj, P.O. and P.S. Bikramganj, District- Rohtas (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-cum- Collector, Rohtas,
District- Rohtas.
2. The Collector, Rohtas.
3. Certificate Officer, Ara, District- Bhojpur.
4. Manager, Madhya Bihar Gramin Bank, Registered Office- Meena Plaza,
South of Museum, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Sinha, Advocate
For the Respondent/s : Mr.Anil Kr. Singh (GP26)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-11-2022

Petitioner has prayed for the following relief(s):

“(i) For quashing the entire certificate
proceeding initiate against the petitioner bearing
Certificate Case No. 201/2019-20 against the
petitioner.

(ii) For issuance of a direction that no
coercive action shall be taken against the
petitioner who has filed the objection petition on
30.08.2022 under Section 09 of Bihar & Orissa
Public Demand Recovery Act, 1914 in
Certificate Case No. 201/2019-20.



(iii) For any other relief/reliefs to which the petitioner is found entitled to, may be granted to the petitioner.”

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 12.12.2022 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)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	25.11.2022
Transmission Date	

