

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20888 of 2021

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1. Umesh Prasad S/o Saryug Prasad R/o Vill.-Somnaha, P.S.-Chakmehsi, Distt.-Samastipur.
 2. Ramnandan Chaudhary S/o Rupnarain Chaudahry R/o Narharpur, PS-Jandaha, Distt.-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Sub Divisional Certificate Officer, Samastipur. Distt. Samastipur.
2. The Sub Divisional Certificate Officer, Samastipur at Samastipur,
3. Managing Director, Samastipur Kshetriya Gramin Bank, Samastipur.
4. Regional Manager, Samastipur Kshetriya Gramin Bank, Samastipur,
5. Branch Manager, Samastipur Kshetriya Gramin bank, Branch Harpur Eloth, Samastipur
6. The State of Bihar through Principal Secretary Department of Finance, Bihar Patna.

... .. Respondent/s

Appearance :

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

(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.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 14-02-2022

Heard learned counsel for the parties.

Petitioners have prayed for following reliefs:-

“ (i) To issue an appropriate writ CERTIORARI in nature setting aside the requisition dt. 24th August, 2007 its consequences registering of Certificate Case No. 2/07-08, and Certificate Case No. 3/07-08 registered against petitioners as they have not taken even a single penny as loan from bank, along with their notices issued by respondents notice directing the petitioners to repay the certificate amount.

(ii) To issue an appropriate writ/orders/Direction in the nature of mandamus commanding and directing the respondents authorities to withdraw the certificate case as filed against the petitioners. ”

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) Petitioners shall appear in the office of the appropriate authority on **07.02.2022** 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 petitioners petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioners before him and till then no coercive steps be taken against the petitioners;

(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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioners 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 petitioners 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA