

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.66 of 2022

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Devendra Ojha @ Devendra Jha Son of Devchandra Ojha @ Dev Chandra Jha Resident of Village- Ahiyari Utri, Police Station- Kamtaul, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Minerals.
2. The Principal Secretary, Department of Mines and Minerals, New Secretariat, Patna.
3. The District Magistrate, Darbhanga.
4. The Certificate Officer-cum-Deputy Director, Mines, Darbhanga, Laheriyasari.
5. The Certificate Officer-cum-Deputy Director, Mines, Muzaffarpur Circle, Muzaffarpur.
6. The Assistant Mines Officer, Laheriyasari, Darbhanga.
7. The Certificate Officer, Mines, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Jha, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha (GA7)
		Mr. Naresh Dixit, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“ 1. That this petition is being filed for quashing the Certificate Case No. 63/2004-05 which is pending before the Certificate Officer, Darbhanga for more than 20 years despite the fact that on the same cause of action a Certificate Case was initiated vide Certificate Case No. 62/2002-03 in which an

Order was given to the petitioner on 24.09.2003 by the Certificate Officer-cum-Deputy Director Mines, Muzaffarpur, the Respondent No.5 to deposit their share of Rs. 12,000/- each which was accordingly deposited by the petitioner.”

It is the petitioner’s grievance that petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as “the Act”) was filed in the year 2004 and registered as Case No. 63/2004-05.

Despite the petitioner’s having persuaded the same, the respondent authorities have yet not decided the same.

Without verifying such statement, Sri. Gyan Prakash Ojha, learned counsel for the respondents states that if the application is pending, the same shall positively be considered and decided within a period of four weeks from the date of appearance of the petitioner before the authority concerned along with a copy of this order.

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 Respondent No. 7, namely, the Certificate Officer, Mines, Darbhanga on 7th of March, 2022 along with a copy of this order, on which date documents in support of the petition shall

be filed.

(b) The said authority shall consider and dispose of the petitioner's petition expeditiously, by a reasoned and speaking order, preferably within a period of four weeks 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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	