

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21401 of 2021

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Pooja Pandey, W/o Binod Kumar Pandey R/o of Utta East Street, Jehanabad,
P.S.- Jehanabad in the district of Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through its District Magistrate, Jehanabad.
2. The Deputy Development Commissioner cum Chief Executive Officer Jila Parishad, Jehanabad.
3. The Additional Chief Executive Officer Jila Parishad, Jehanabad.
4. The Superintendent of Police Jehanabad.
5. The Sub Divisional Magistrate Jehanabad.
6. The Block Development Officer Jehanabad.
7. The Circle Officer Jehanabad.
8. The Certificate Officer Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr.Nikesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(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.)

Date : 02-09-2022

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

- (i) To issue a writ in the nature of certiorari to quashed the order vide memo No. 24 dated 13/01/21 whereby officer in charge Jehanabad was directed ensure the compliance of notice under section 7 of Public demand recovery Act in order to



recovery of dues amount arising out of settlement of Shairat in favour of petitioner as well as entire proceeding of certificate case against the petitioner bearing certificate case NO. 05/2019-2020.

- (ii) Also to issue a writ in the nature of mandamus commanding the respondents to refund the amount of petitioner which was deposited by him pertaining to settlement of Shairat .
- (iii) Also for any other relief relief/reliefs for which petitioners found entitled in the eye of Law.

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 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 **19th of September, 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)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.09.2022
Transmission Date	

