

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16721 of 2022

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Anil Kumar Son of Late Chhatu Choudhary, Resident of 601, Maharaja Kameshwar Complex, Fraser Road, Police Station- Kotwali, District- Patna, one of the Directors of M/s Patliputra Builders Private Limited, having its registered office at 301, Maharaja Kameshwar Complex, Fraser Road, Police Station- Kotwali, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, District- Patna.
2. The District Magistrate, District- Patna.
3. The District Certificate Officer-cum-District Panchayat Raj Officer, Patna.
4. The Labour Commissioner, Department of Labour, Government of Bihar, Patna.
5. The Deputy Labour Commissioner-cum-Controlling Officer under Payment of Gratuity Act, 1972, Patna Division, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Shekhar, Advocate
For the Respondent/s : Mrs. Anuradha Singh, SC-21

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(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 : 02-12-2022

Heard learned counsel for the parties.

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

i) To issue a Writ in nature of Certiorari for quashing the following :-

(a) The Letter being 1645 dated 23.05.2022 whereby the Certificate Officer has directed the Police to arrest the petitioner

(b) The Certificate Case being No.728 of 2017 including the entire certificate proceedings as the issues are sub-judice.

ii) Issuance of direction to the respondents not to take coercive action till the disposal of the main case which is pending consideration.

iii) To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.

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 three 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 12th of December, 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 three 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, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	06.12.2022
Transmission Date	

