

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17248 of 2022

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Yashwant Singh Son of Late Rana Nageshwar Prasad Singh, R/o- Village-
Mahammudpur, P.S. Bakhtiyarpur, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The District Magistrate, Patna.
3. The Certificate Officer-cum-Additional District Magistrate, Patna.
4. The District Land Acquisition Officer, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC25)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(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.)

2 16-12-2022

Heard learned counsel for the parties.

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

I. For quashing the Order dated
20.08.2022 passed in Certificate Case
No. 01 of 2022-23 instituted against
the Petitioner by Certificate
Officer, patna, whereby the



Certificate Officer, patna has issued Warrant against the Petitioner without hearing the Petitioner and without giving opportunity to file Objection under Section 9 of the Public Demand Recovery Act, 1914 is without jurisdiction and violation of Principle of Natural Justice.

II. For a direction to the Respondent to allow the Petitioner to file objection under Section 9 of the Public Demand Recovery Act, 1914.

III. For commanding the Respondents to restrain from acting upon the Order dated 20.08.2022 and follow up Orders passed in Certificate Case No. 01 of 2022-23.

IV. For any other relief / reliefs for which the Petitioner is entitled too.

It is not in dispute that petition under Section 9/60 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 9/60 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 28.12.2022 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 9/60 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) The authority shall also examine all issues including question of fact and law;

(e) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing as also leading evidences has to be afforded to the parties;

(f) Order assigning reasons shall be supplied to the parties;

(g) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(h) 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;

(i) Liberty reserved to the petitioner to challenge the



order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(j) 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)

Ashwini/Sujit

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