

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21809 of 2019

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Bishwambhar Rai @ Vishambhar Ray, Son of Late Gagandeo Rai @
Gagandev Ray, Resident of Village-Sakhisemra, Tola-Dainiya, P.S.-Palanwa,
District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through Collector of East Champaran.
2. The Regional Manager, Uttar Bihar Gramin Bank, Motihari.
3. The Branch Manager, Uttar Bihar Gramin Bank at Ramgarhwa, District-East Champaran.
4. District Certificate Officer, East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar No.1, Advocate
For the State	:	Mr. Kumar Samarjeet Singh, A.C. to S.C.21
For the Bank	:	Mr. Prabhakar Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2022

Petitioner has prayed for the following relief(s):

“(A) For the order/orders/direction/directions/writ(s) especially in the nature of certiorari for quashing the entire proceeding of Certificate Case No. 96/GB/18-19 (Ramgarhwa) pending before the District Certificate Officer, East Champaran, Motihari for not following the proceeding enumerated in the Bihar Orrisa Public Demand Recovery Act, 1914.

(B) For the order/orders/direction/directions/writ(s) especially in the nature of mandamus for direction to the Respondent Uttar Bihar Gramin Bank, Motihari



and especially the Branch Manager, Ramgarhwa to settle the case of the petitioner as One Time Settlement (OTS) scheme without calculating interest and same to be payable in installments.

(C) To any other relief/reliefs to which the petitioner is legally entitled too.”

It is not in dispute that petition under Section 9/16 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 9/16 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 04.01.2023 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 9/16 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)

(Partha Sarthy, J)

Saurabh/P.K.P.

AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2022
Transmission Date	

