

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22737 of 2019

Om Prakash Gupta Son of late Shiv Kumar Lal, Resident of Mohalla-Mithapur Under Jakkanpur Police Station, Town and District of Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Patna.
2. Certificate Officer-Cum-Additional District Magistrate Law and Order, Patna.
3. The District Land Acquisition Officer, Patna.
4. The Additional District and Acquisition Officer, Patna.
5. The Deputy Collector, Land Reforms, Patna.
6. The Circle Officer, Phulwarisharif Anchal, District- Patna.
7. Nand Kishore Prasad Singh, Son of late Rajendra Prasad Singh, Resident of Village- Hulukpur, Police Station- Beur, District- Patna.
8. Nawal Kishore Prasad Singh, Son of late Rajendra Prasad Singh, Resident of Village- Hulukpur, Police Station- Beur, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC 25)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-12-2022

Petitioner has prayed for following relief (s) : -

“(i) For issuance of writ or writs in the nature of certiorari for quashing the certificate debtor notice dated 17.07.2019 issued in auction case No.1 of 2019-20 by the order of Certificate Officer-cum-Additional Magistrate, Law & Order, Patna.

(ii) For issuance of appropriate writ or writs restraining respondent 1st set from further proceeding against this petitioner relating to the



above matter.

(iii) For issuance of writ or writs directing respondent 1st set to sent entire record relating to L.A. Case No.58 of 2012-13 in the Court of Principal Judge District Court, Patna in compliance of the letter No.1099 dated 01.10.2018 issued under seal and signature of the Director Land Acquisition Officer, Bihar, Patna.

(iv) For issuance of such other order or orders, direction/directions, relief/reliefs which the petitioner may be found entitle in the present fact and circumstances or as your Lordships may deem fit and proper.”

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 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 11.01.2023 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 9/60 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) 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)

KC Jha/chn

AFR/NAFR	
CAV DATE	
Uploading Date	20.12.2022
Transmission Date	

