

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23476 of 2019

Janeshwar Singh, S/o Late Shiv Dhari Singh, R.o Village-Rahara, P.S.-Barem, O.P. and Dhari Singh, R/o Village-Rahara, P.S.-Barem, O.P. and District-Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Collector, Aurangabad,
4. The District Land Acquisition Officer, Aurangabad.
5. The District Certificate Officer, Aurangabad, Site Office-Aurangabad Collectorate, P.O. P.S. and District-Aurangabad.
6. The Commissioner, Magadh Division, Gaya, Site Office- Commissioner Office, Gaya, P.O. P.S. and District-Gaya.
7. The Land Reform Deputy Collector, Aurangabad, Site Office-Sub Division Office, Aurangabad.
8. The Circle Officer, Nabinagar, Site Office Circle Office Nabinagar, P.O. and P.S.-Nabinagar, District-Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Vagisha Pragya Vacaknavi, Advocate
For the Respondent/s	:	Mr. Raj Kishor Rai, GP-18
		Mr. Abhay Kumar Kashyap, AC to GP-18

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-08-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

“for issuance of a writ of certiorari or writs in the nature thereof or any other appropriate writs/orders/directions for quashing the notice dated 14.06.2019 issued



under section 7 of the Bihar & Orissa Public Demands Recovery Act, 1914 by the Certificate Officer, Aurangabad to the petitioner in relation to Case No.08 of 2019-20 for recovery of Rs.69,38,367/-”

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 22nd of August, 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)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	11.08.2022
Transmission Date	

