

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22391 of 2019

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Dharmdev Tiwari S/o Late Gadadhar Tiwari Resident of Village- Jalalpur,
P.s.- Lalganj, Distt.- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Bihar, Patna
2. The Director of Panchayati Raj Department, Bihar
3. The District Panchayati Raj Officer Vaishali at Hajipur
4. The District Magistrate Vaishali at Hajipur
5. The Certificate Officer-cum-Additional Collector Distt.- Vaishali
6. The Deputy Development Commissioner-cum-Chief Executive Officer Distt.- Vaishali
7. The Sub Divisional Officer Vaishali
8. The Deputy Collector Land Reforms, Vaishali
9. The Block Development Officer-cum-Executive Officer Panchayati Samiti Prakhand, Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Ajit Singh, Advocate
For the Respondent/s : Mr. Sanjeet Kumar Singh, A.C. to AAG-6

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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

Heard learned counsel for the parties.

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



- (i) For directing and commanding the respondents to quash the Certificate Case No.264/2014-15 instituted against her as well as the notice (Annexure -4) issued against her U/S 7 of the Public Demand and Recovery Act by respondent No. 5 the Certificate Officer.
- (ii) Pass such other or further order(s) direction(s) as the Hon'ble Court may deem fit and proper in facts and circumstances of the case and to meet the ends of Justice.

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 filed/ to be filed by the petitioner under Section 9/16 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 2nd of January, 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 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	14.12.2022
Transmission Date	

