

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.388 of 2020

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Parimal Kumar Son of Late Sita Ram Modi Resident of Village and Post-
Sono, Police Station- Sono, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Mines,
Government of Bihar, Patna.
2. The Principal Secretary, Mines Department, Government of Bihar, Patna.
3. The District Magistrate Jamui.
4. The District Mines Development Officer Jamui.
5. The Sub Divisional Officer-cum- Certificate Officer Jamui, District- Jamui.
6. The Assistant Mines Officer Jamui/ Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Adv
For the Respondent/s	:	Smt. Kumari Amrita (GP3)
		Mr. Naresh Dikshit S.P.P. Mines

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

Date : 06-09-2022

Heard learned counsel for the parties.

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

1. That, by this is an application, for issuance of appropriate writ/writs, order/orders, direction/directions to the Respondents authorities for the following reliefs:-

- (i) For quashing the Notice under section 7 of Public demand Recovery Act dated 06.07.2018 issued by the Certificate Officer, Jamui.
- (ii) For that after quashing of said Notice be further discharge the petitioner from the liabilities arising out of certificate case No. 04/2011-12.
- (iii) For any other relief/reliefs for which petitioner is found entitled in the facts and circumstances of the present case.

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 **22.09.2022** 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA