

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.972 of 2020

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Surendra Kumar Singh @ Surendra Singh Son of Late Sri Ramakant Singh
Resident of Nalanda House, Hauz Khas, New Delhi-110016.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Credit and Investment Corporation Limited., Indira Bhawan, 4th Floor, R.C. Singh Path, Patna-800001. through its Managing Director (M.D.).
3. The Managing Director of Bihar State Credit and Investment Corporation Limited, Indira Bhawan, 4th Floor, R.C. Singh Path, Patna-800001.
4. The Certificate Officer, BICTCO, Indira Bhawan, 4th Floor, R.C. Singh Path, Patna-800001.
5. The Collector, Nawada, District-Nawada.
6. The Superintendent of Police, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha, Advocate
For the Respondent/s : Mr.Md.Nadim Seraj (GP-5)

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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):-

- (i) To issue a writ in the nature of certiorari to quash the warrant of arrest issued against the petitioner by the respondent No.4 in Case No.213/AV/BICICO/106/2002 dated 13.02.2019

whereby and whereunder a copy of said warrant of arrest communicated to the Collector, Nawada.

- (ii) To direct the Respondent Nos.3 and 4 to produce the record of the aforementioned case with a copy to the petitioner, enabling him to know the facts of the case.
- (iii) To quash the entire proceeding arising out of aforesaid 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 **26th of September, 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.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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