

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1517 of 2020

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Pawan Kumar Singh, son of late Birendra Narayan Singh @ Birendra Singh
Resident of Village- Bara under Gwalpara Police Station, District-
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Madhepura.
2. Superintendent of Police Madhepura.
3. S.D.O., Madhepura.
4. Certificate Officer Madhepura.
5. District Manager Bihar State Food and Civil Supplies Corporation Ltd.,
Madhepura.
6. Circle Officer Gwalpara Anchal, District- Madhepura.
7. Neeraj Kumar Singh, Son of Sri Birendra Narayan Singh, Resident of
Village- Bara under Gwalpara Police Station, District- Madhepura.
8. Rahul Kumar @ Rahul Anand Singh, Son of Shailesh Kumar Singh,
Resident of Village- Aenni, under Police Station- Simiri Bakhatiyarpur,
District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal (SC4)

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

Date : 26-09-2022

Re.: Interlocutory Application No. 1 of 2020

Name of the sole petitioner, Birendra Narayan
Singh @ Virendra Singh, who has since expired on
19.01.2020, be substituted with his legal heir, namely, Pawan
Kumar Singh.

I.A. No. 1 of 2020 stands disposed of.

Registry to make necessary correction in the memo of parties, both in the digital as well as physical file also.

Re:- CWJC No.1517 of 2020

Petitioner has prayed for following relief:-

That the instant writ petition is being filed for set aside notice issued by Certificate Officer, Madhepura in Auction Case No.2 of 2015-16 against the petitioner for realization of Rs.2,18,98,917.90 with interest @ 18% from the petitioner.

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 **10.10.2022** 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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.09.2022
Transmission Date	NA