

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1110 of 2020

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Akshaya Kumar Singh, Son of Late Harinandan Singh, resident of Village-
Devapur, P.S. Barouli, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Bihar, Patna.
3. The Director, Department of Social Welfare, Bihar, Patna.
4. The District Magistrate-cum-Certificate Officer, Siwan, Collectorate, Siwan.
5. The District Programme Officer, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Prashant Pratap (GP-2)

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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 this is an application for issuance of a writ in the nature of certiorari/ Mandamus for calling the copy of warrant of arrest dated 06.11.2019 issued against the petitioner from the District Certificate Officer, Siwan in certificate case no. 11/17-18 and to quash it and also to quash the certificate proceeding pending against the petitioner and further prays for issuance for writ in the nature of Mandamus commanding and directing the respondent authorities to make absolute in favour of the petitioner and/or for grant of any other appropriate relief/reliefs to which the petitioner may be found legally entitled to in the facts and circumstances of the present case.

Petitioner has preferred an application under Section 9
of the Bihar & Orissa Public Demands Recovery Act, 1914.

We are of the considered view that the appropriate

authority must decide the same, in accordance with law, rather than remitting the matter to the authority below.

In this view of the matter, the petition is 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	
CAV DATE	
Uploading Date	
Transmission Date	