

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17753 of 2022

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Katyayni Contractor Private Limited having its office at Pareo, Bihta, P.S.-
Bihata, District- Patna, through its Director Randhir Kumar, aged about 35
years, (Male), Son of Suraj Prasad Verma, Resident of Village- Pareo, Bihta,
P.S.-Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Bihar, Patna.
2. The Principal Secretary, cum-Mines Commissioner, Mines and Geology, Bihar, Patna.
3. The Collector, Sheikhpura.
4. The Mineral Officer, Mines and Geology, Sheikhpura.
5. The Certificate Officer, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha (GA 7)
		Ms. Sanghmitra Ghosh, AC to GA-7
		Mr. Naresh Dikshit, Spl. P. P. Mines

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-01-2023

Heard learned counsel for the parties.

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

“for issuance of appropriate
writ(s)/order(s)/direction(s) for quashing the order certificate
proceeding initiate against the petitioner in Certificate Case
No.386/22-23 as contained in notice dated 13.10.2022 under



section 7 of the Bihar & Odhisa Public Demand and Recovery Act issued by district certificate officer, Sheikhpura by which a demand of Rs.68,28,000/- has been made and the petitioner has been directed to deposit the same within a period of 30 days and further for any other reliefs for which the petitioner may found entitled to.”

It is not in dispute that petition under Section 9/60 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 9/60 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 13.02.2023 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 9/60 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) The authority shall also examine all issues including question of fact and law;

(e) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing as also leading evidences has to be afforded to the parties;

(f) Order assigning reasons shall be supplied to the



parties;

(g) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(h) 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;

(i) Liberty reserved to the petitioner to challenge the order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(j) 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)

(Partha Sarthy, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2023
Transmission Date	

