

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23253 of 2019

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Umeshwar Thakur @ Umesh Thakur Son of Sakal Thakur, Resident of
Village-Mani Bhakurahar, P.S. Lalganj, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Departments, Bihar, Patna.
2. The Director of Panchayati Raj Department, Bihar.
3. The District Panchayati Raj Officer, Vaishali at Hajipur.
4. The District Magistrate, Vaishali at Hajipur.
5. The Certificate Officer-cum-Additional Collector, District-Vaishali.
6. The Deputy Development Commissioner-cum-Chief Executive Officer, District-Vaishali.
7. The Sub-Divisional Officer, Hajipur, Vaishali.
8. The Deputy Collector, Land Reforms, Hajipur, Vaishali.
9. The Block Development Officer-cum-Executive Officer, Panchayati Samiti Prakhand, Hajipur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Ajit Singh, Advocate
For the Respondent/s : Mr. Rakesh Kumar Ranjan, AC to GA 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-01-2023

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

“(i) For directing and commanding the respondents
to quash the Certificate Case No.57/2014-15
instituted against her as well as the notice
(Annexure -4) issued against her U/S 7 of the
Public Demand and Recovery Act by respondent



No. 5 the Certificate Officer.

(ii) Pass such other or further order(s) direction(s) as the Hon'ble Court may deem fit and proper in facts and circumstances of the case and to meet the ends of Justice.”

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 16th of January, 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) 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)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

