

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.32 of 2025

In
Civil Writ Jurisdiction Case No.14520 of 2016

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Ranjan Kumar Ratnakar Son of Sri Sahdeo Prasad, Resident of Village-Bhadasi, Police Station and District Arwal, formerly posted on the Post of Programme officer in Rangra Chowk Prakhand, P.S. Rangra Chowk, District-Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development, Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Deputy Development Commissioner, Bhagalpur.
4. The Director, Accounts, District Rural Development Agency, Bhagalpur.
5. Sri Sanjeev Kumar, the then Senior Deputy Collector, Bhagalpur, in-Charge Rangra Chowk Prakhand.
6. Smt. Bandana Kumari, District Certificate Officer, Bhagalpur.
7. The Block Development Officer, Rangra Chowk Block, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Kaushal Kumar, Advocate
For the Respondent/s : Mr.Additional Advocate General (4)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-03-2026

This Letters Patent Appeal has been filed by the appellant-Ranjan Kumar Ratnakar challenging the order dated 16.12.2024 passed by the learned Single Judge in CWJC No. 14520 of 2016.

2. It appears that the aforesaid writ petition was filed for quashing the entire certificate proceedings in Certificate



Case No. 4 of 2013–14 initiated under Section 4 of the Bihar and Orissa Public Demands Recovery Act, 1914, including the ex parte order dated 20.07.2016 directing the petitioner to deposit the certificate amount of Rs. 2,09,166/- within one month, and further directing that steps be taken for recovery of the said amount.

3. The learned Single Judge, in the impugned order, has been pleased to hold that the petitioner had not preferred an appeal provided under Section 60 of the Bihar and Orissa Public Demands Recovery Act, 1914, which enables an aggrieved party to file an appeal against an order passed under Section 10 of the said Act. Accordingly, the writ petition was disposed of with liberty to the petitioner to prefer an appeal. It was further directed that, in the event of any delay in filing the appeal, the petitioner may file the same along with limitation petition, which shall be considered by the authority while adjudicating the matter.

4. Learned counsel appearing for the appellant does not dispute that there is a provision for appeal against the impugned order, but submits that the very inception of the case is without jurisdiction. Therefore, even though an alternative remedy of appeal is available to the petitioner, the writ petition can still be



entertained.

5. We are not in a position to accept such submission of learned counsel for the appellant.

6. For the sake of brevity and clarity, Section 10 and 60 of the Bihar and Orissa Public Demands Recovery Act, 1914, has been quoted hereinbelow:-

“10.Hearing and determining of such petition.

The Certificate Officer in whose office the original certificate is filed shall hear the petition, take evidence (it necessary) and determine whether the certificate-debtor is liable for the whole or any part of the amount for which the certificate was signed; and may set aside, modify or vary the certificate accordingly:

Provided that if the Certificate Officer is not the Collector, and considers that the petition involves a bonafide claim of right to property, he shall refer the petition to the Collector for orders, and the Collector, if he is satisfied that a bonafide claim or right of property is involved, shall make an order cancelling the certificate.

60. Appeal.-(1) An appeal from any original order made under this Act shall lie -

(a) if the order was made by an Assistant Collector or a Deputy Collector, or by a Certificate Officer not being the Collector - to the Collector;

or (b) if the order was made by the Collector - to the Commissioner:

Provided that no appeal shall lie from any order setting aside a sale on an application made under Section 28:

[Provided further that no appeal against an order passed under Section 10 shall be entertained unless the appellate authority is satisfied that the appellant has paid forty percent of the amount determined under that Section or such amount as the appellant admits to be due from him, whichever is greater.

(2) Every such appeal must be presented, in case (a), within fifteen days, or in case (b) within thirty



days, from the date of the order.

(3) The Collector may, by order, with the previous sanction of the Commissioner, authorise -

(i) any Sub-divisional Officer;or

(ii) any officer appointed under clause (3) of Section 3 to perform the functions of a Certificate Officer; to exercise the appellate powers of the Collector under sub-section (1).

(4) When any officer has been so authorized, the Collector may transfer to him for hearing any appeal referred to in clause (a) of sub-section (1), unless the order appealed against was made by such officer.

(5) Pending the decision of any appeal, execution may be stayed if the appellate authority so directs, but not otherwise.”

7. In view of specific provision available under Section 10 and 60 of the Bihar and Orissa Public Demands Recovery Act, 1914, we find that there is no perversity in the order of the learned Single Judge so as to be interferred in this L.P.A.

8. Accordingly, the present Letters Patent Appeal stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Alok Kumar Sinha, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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