

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18159 of 2025

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Chandramani Prasad @ Chandramani Kumar S/o Late Arjun Prasad, Resident
of Village- Gangra, P.O.- Kharthua, P.S.- Harnaut, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Revenue Department, Government of Bihar,
Patna.
2. The District Magistrate-cum- District Certificate Officer, Nalanda.
3. The Labour Superintendent, Nalanda.
4. The Sub- Divisional Magistrate, Biharsharif, Nalanda.
5. Awadhesh Kumar, S/o Ramdev Prasad R/o Village- Shyamnagar, P.O.-
Pachauri, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate.

For the Respondent/s : Mr. Government Pleader (20).

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 28-01-2026 Without going into the merits or demerits of this

case, the present writ petition is disposed of at the stage of

admission with the consent of both the Counsels.

2. Learned counsel appearing on behalf of the
petitioner submits that the authority without issuing any
notice under Section 7 of the Bihar and Orissa Public
Demand Recovery Act, 1914 has straightaway issued the
warrant of arrest against the petitioner. Learned counsel
submits that the petitioner was never served any notice and



the same is evident from the proceedings of the authority. That non-issuance of the notice under Section 7 of the Bihar and Orissa Public Demand Recovery Act is contrary to the provisions of the Act. In case, the authority had issued the Sections 7 notice, the petitioner could have had the opportunity of filing his objections under Section 9 of the Bihar and Orissa Public Demand Recovery Act. Further, the learned counsel has stated that without passing any order under Section 10 of the Bihar and Orissa Public Demand Recovery Act, the authority has issued the warrant of arrest, it is also contrary to the provisions of the Act. Learned counsel prays this Hon'ble Court that the authority may be directed to issue a notice under Section 7 of the Bihar and Orissa Public Demand Recovery Act and an opportunity is given to the petitioner to file his objections.

3. Learned counsel appearing on behalf of the Respondent-State has submitted that he has no objection if the authority is directed to issue a notice to the petitioner under Section 7 of the Bihar and Orissa Public Demand Recovery Act, thereafter, pass final orders under Section 10 of the Act after receipt of the explanation from the



petitioner.

4. Having regard to the above made submission, the present writ petition is disposed of directing the Respondent No. 2 to issue notice under Section 7 of the Bihar and Orissa Public Demand Recovery Act within a period of two weeks from the date of the receipt of the copy of this order. The authority while issuing the notice shall grant ample opportunity to the petitioner to file his objections under Section 9 preferably within a period of 10 days thereof. On receipt of the explanation from the petitioner, the authority shall pass final orders under Section 10 of the Bihar and Orissa Public Demand Recovery Act strictly in accordance with law. It is needless to observe that before passing any order the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the party.

5. Till such time the final orders are passed under Section 10 of the Bihar and Orissa Public Demand



Recovery Act, the authorities are directed not to take any coercive steps against the petitioner. It is also made clear that in case, the petitioner does not cooperate for the disposal of the case, the authority is free to take necessary action strictly in accordance with law.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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