

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3259 of 2018

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Manoj Kumar Soni, son of Late Ram Padarath Sah, Resident of village -
Mohanpur (Sadar Bazar Near Masjid), P.S.- Jamalpur, District - Munger.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Collector cum District Magistrate, Munger.
4. The Superintendent of Excise, Munger.
5. The Certificate Officer, Munger.

.... Respondents

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Appearance :

For the Petitioner : Mr. Jyoti Ranjan Jha, Advocate

For the Respondents : Mr. Kumar Manish, SC5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-04-2018

Heard learned counsel for the petitioner as well as learned
counsel for the State.

2. The present writ petition has been filed for the
following reliefs –

*“(i) For commanding and directing the respondents, to
Set Aside entire proceeding of Certificate Case No.
10/14-15, Pending before the learned Certificate
Officer, District Munger.*

*(ii) For holding that, there is apparent non-compliance
of mandatory provisions of Bihar and Orissa, Pubic
Demand Recovery Act.*

*(iii) For commanding and directing the respondents, to
stay certificate notice dt. 26.8.2014, issued in Certificate
Case No. 10/2014-15.*

(iv) For commanding and directing the respondents, to



stop the execution of the warrant of arrest dt. 30.11.2017, as well as order dated 6.1.2018, issued by Certificate Officer, Munger, in Certificate Case No. 10/14-15.

(v) For any other relief(s) for which Petitioner is found entitled in the eye of law.”

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 10 of 2014-15 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands recovery Act (for short, “the Act”) for recovery of the dues amounting to Rs. 3,79,14,440/- are wholly illegal and liable to be quashed.

4. Learned counsel for the respondent-State submits that the petitioner does not appear to have filed any objection petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the Respondents.

5. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his objection petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Munger shall not resort to any coercive



action for recovery of the dues against the petitioner in Certificate Case
No. 10 of 2014-15.

7. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.04.2018
Transmission Date	N.A.

