IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9387 of 2015

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1. Sunita Jha W/o Sri Ajay kumar Jha Resident of Mohalla Raj Kumarganj, P.S. Town Thana, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary-cum-Commissioner, Transport Department ,
2. The Certificate officer-cum-joint Commissioner-cum Secretary, Regional Transport Authority, Darbhanga Division, Darbhanga.
3. The District Transport Officer, Darbhanga.
4. The District Transport Officer, Dhanbad, Jharkhand.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar,Adv

For the Respondent/s : Mr. RAMADHAR SINGH- GP25

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-08-2018

The present writ petition has been filed for quashing the notice bearing memo no. 1643 dated 27.05.2015 issued by the respondent no. 2 in Certificate Case No. 352/2011-12; and further for quashing the entire certificate proceeding in Certificate Case No. 352/2011-12 pending before the respondent no. 2 for payment of remaining road tax amounting to Rs. 5,71,512/- for the period of 01.08.2002 to 30.06.2007 against the petitioner.

2. Learned counsel for the petitioner submits that the respondents have arbitrarily raised demand for the remaining road tax for the period of 01.08.2002 to 30.06.2007 and initiated certificate

proceeding for recovery of the same. A stand has been taken in para 8 of the writ petition that the petitioner did not receive any demand notice rather she came to know from other bus owners that initiation of a certificate proceeding has been recommended by the District Transport Officer, Darbhanga.

3. A counter affidavit had been filed in which the stand of the petitioner has been controverted in para 9 thereof stating that a notice under Section 7 of the PDR Act was issued against the petitioner pursuant to which the petitioner appeared before the Certificate Officer on 04.04.2014 and filed her written objection.

4. Having heard the parties and on consideration of the materials on record, this Court finds that the stand of the respondents with regard to issuance of notice under Section 7 of the PDR Act has not been disputed and no rejoinder has been filed by the petitioner. It further transpires from the averments that a written objection was already filed by the petitioner before the Certificate Officer on 04.04.2014 which has been enclosed as Annexure-4. Though a stand has been taken in para 10 of the counter affidavit stating that the petitioner had defaulted in making payments, learned counsel for the respondents has not been able to show from the counter affidavit that the objection petition filed by the petitioner (Annexure-4) has been disposed of by a speaking order.

5. In the above circumstances, the writ petition is disposed of with a direction to the Certificate Officer-cum-Joint Commissioner-cum-Secretary, Regional Transport Authority, Darbhanga Division, Darbhanga (respondent no. 2) to consider and dispose of the petitioner's objection petition filed on 04.04.2014 (Annexure-4) on its own merits and after grant of an opportunity of hearing to the petitioner in accordance with law.

6. Until such disposal of the objection petition the Certificate Officer-cum-Joint Commissioner-cum-Secretary, Regional Transport Authority, Darbhanga Division, Darbhanga (respondent no. 2) shall refrain from taking coercive action against the petitioner in Certificate Case No. 352/2011-12.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2018
Transmission Date	NA