

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2027 of 2019

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Tarkeshwar Prasad Singh S/o late Balmiki Prasad Singh Resident of Village
and P.O. and P.S. Hathidah, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Principal Secretary, State Transport
Department, Govt. of Bihar, Patna
2. The Joint Commissioner Cum Secretary, Regional Transport Office Cum
Certificate Officer, Patna Division, Patna
3. District Magistrate, Patna
4. The District Transport Officer, Nalanda
5. Officer Incharge, Hathidah, Police Station- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate
For the Respondent/s : Mr.Chitranjan Sinha (PAAG 2)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-10-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

1. That this application by petitioner, a Citizen of India, for issuance of an appropriate Writ/order/direction, for setting aside the entire proceeding of Certificate case no.s 43/ 2008-09, for an amount of Rs.1,28,892/-, 21/2013-14, for Rs.1,43,424/- and 350/2013-14, for Rs.2,25,090/- started under the provisions of Bihar and Orrisa Public Demand Recovery Act, on the requisition of said amounts sent by the District Transport officer, Patna showing against the tax dues for same period starting from different dates in each, for same vehicle, despite the fact that the vehicle in question had already been surrendered before District Transport officer on 29/06/2002 itself i.e. prior to the date for which tax have been shown dues, and for grant of any other suitable relief or reliefs for which petitioner is found entitled in the eye of law.

It is not in dispute that petition under Section 9 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 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 **02.11.2022** 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 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)

(S. Kumar, J)

Rajiv/- Ishika

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	