

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1561 of 2022

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Tinku Kumar Sharma, Son of Shri Suresh Sharma, Resident of Muhallah -
Maksuspur (Dhobi Tola) ward No. 38, Police Station - Kasim Bazar, District-
Munger.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary/ Transport Dept) Patna,
Bihar Patna.
2. The Certificate Officer Joint Commissioner cum Regional Transport
Authority, Patna.
3. The District Transport Officer, Nalanda, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Smt. Sudha Ambastha, Advocate

For the Respondent/s : Mr. Anil Kr. Singh, GP-26

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



- (i) For quashing / setting aside the notice issued by the Certificate Officer Joint Commissioner cum Regional Transport Authority, Patna to the petitioner, whereby a show-cause has been issued to the Petitioner in connection with a Certificate proceeding being Certificate Case No. – 99/18-19 for recovery of tax due on a vehicle, which does not belongs to the Petitioner in anyway. (As contained in Annexure-1).
- (ii) For a direction to the respondent Authority to strike-out the name of petitioner in Certificate Case No. 99/18-19 and further to investigate the matter in accordance with law.
- (iii) For any such other relief/reliefs as the petitioner may be found entitled to, 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 **12th of April, 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)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	23.03.2022
Transmission Date	

