

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5421 of 2020

1. Aruna Gupta @ Aruna Devi (Female) aged about 35 years D/o Ravindra Prasad Resident of Village- Mirganj Ward no.7 Ara town, Anchal- Ara, District- Bhojpur.
2. Kumkum Gupta (Female) aged about 33 years D/o Ravindra Prasad W/o Deepak Kumar Resident of Village- Mirganj Ward no.7 Ara town, Anchal- Ara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chairman Cum Member Board of Revenue, Patna.
2. The District Magistrate cum District Registrar Ara, Bhojpur.
3. The District Sub- Registrar Ara, Bhojpur.
4. The Inspector Registration Patna Bihar.
5. District Certificate Officer Ara, Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC 19

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 10-10-2022 Petitioners have prayed for the following relief(s):-

“1. That this application is being filed for quashing notice U/s- 7 of Bihar and Orisha Public recovery demand act 1914 whereby and where under illegally and wrongly asked the petitioner to pay 1,30,221 and 1,30,221 respectively to each petitioner although there are no case of deficit stamp duty as petitioner have executed there sale deed in favour of other in the year 2017 as well as report



of inspector registration that stamp duty has been rightly set forth on instrument during 2010.

Further directing and commanding the respondent to abide by the order passed by the Hon'ble High Court Patna in C.W.J.C. No. 24375 of 2013 and same has also affirmed by the LPA court vide LPA No. 377/15.”

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 to be filed by the petitioners under Section 9 of the Act positively within a period of two months from the date of appearance of the petitioners 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) Petitioners shall appear in the office of the appropriate authority on 4th of November, 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 petitioners' petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioners before him and till then no coercive steps be taken against the petitioners;

(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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;



(g) We are hopeful that as and when petitioners take 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 petitioners 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)

(Satyavrat Verma, J)

K.C.Jha/-
P.Kumar

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