

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9086 of 2022

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Rabindra Prasad Singh Son of Late Jagarnath Singh Resident of
Village/Kasba- Taraiya, P.O.- Taraiya, P.S.- Taraiya, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary/Principal Secretary Department of Prohibition, Excise and Registration, Government of Bihar, Patna.
3. The Inspector General of Registration Department of Prohibition, Excise and Registration, Government of Bihar, Patna.
4. The Collector cum District Magistrate/District Registrar Saran at Chapra.
5. The Assistant Inspector General of Registration Department of Prohibition, Excise and Registration, Government of Bihar, Saran Division, at Chapra.
6. The District Certificate Officer Saran at Chapra.
7. The Sub-Registrar, Mashrakh Sub-Registration Office, Mashrakh, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jeetendra Narayan, Advocate
		Mr. Amit Narayan, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 29-07-2022

Heard learned counsel for the parties.

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



- (i) For issuance of an appropriate writ(s), order(s), direction(s) to the respondents for quashing the proceeding of Certificate Case No. 01/2021-22 titled ^{at} State of Bihar through Sub-Registrar, Mashrakh, Saran Vs. Rabindra Prasad Singh arising out of Stamp Deficit Case No. 30 of 2013 titled as State of Bihar through Sub-Registrar, Mashrakh, Saran Vs. Rabindra Prasad Singh pending before Certificate Officer, Saran at Chapra whereby and where under he has mechanically issued notice under section 7 of the Bihar and Orissa Public Demand Recovery Act, 1914.
- (ii) And also for issuance of an appropriate writ(s), order(s), direction(s) to the respondents to not take any coercive steps relating to the subject land of petitioner which has purchased by him through registered sale deed executed at Sub-Registration Office- Mashrakh, Saran which deed numbers 3431 dated 12.08.2013 and 3432 dated 12.08.2013 relating to Khata No. 36 its Survey No. 398 & 399, in area of 8.925 decimal and in the same khata and survey another area of .371 decimal respectively under the revenue village of Murlipur its Revenue Thana Number 191 under the Circle of Taraiya in the District of Saran which are under the absolute ownership and possession of the petitioner.
- (iii) And for any other relief/ reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case, in the light of safeguard provided by the Constitution of India.



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 16th of August, 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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	03.08.2022
Transmission Date	

