

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10948 of 2022

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Avadhesh Kumar Son of Yogendra Prasad Yadav, Resident of 171, Jayprakash
Nagar, Ward No 06, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Prohibition, Excise and Registration Department,
Government of Bihar, Patna.
3. The District Magistrate-cum- Collector, Madhepura.
4. The District Certificate Officer, Madhepura.
5. The District Sub- Registrar, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, 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 : 12-08-2022

Heard learned counsel for the parties.

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



- (a) For directing and commanding the respondents, specially the Certificate Officer, Madhepura to provide the petitioner with the requisition and Certificate as mandated by law.
- (b) For directing and commanding the respondents to allow the writ petitioner to file his 'objection' as envisaged under 'law' and thereafter decided it in accordance with law.
- (c) For directing and commanding the Respondents, specially Certificate Officer, Madhepura to not to take any coercive steps against the petitioner during pendency of this writ petition.
- (d) For any other relief/reliefs for which petitioner is found entitled in the facts and circumstances of this case.

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 September, 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	16.08.2022
Transmission Date	

