

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12721 of 2022

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M/s Durgeshwari Motors, Sale unit- Durgeshwari Bajaj, Ruidhasa, Kishanganj- 855107 (Bihar) through its proprietor Prasenjeet Dey (Male) aged about 41 years, son of Sri Paritosh Dey, resident of Hospital Road, Kishanganj, P.O. and P.S. Kishanganj and District Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Transport Department, Government of Bihar, Patna.
2. The Transport Commissioner, Government of Bihar, Patna.
3. The Deputy Secretary, Transport Department, Government of Bihar, Patna.
4. The District Transport Officer, Kishanganj.
5. The certificate Officer, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Agrawal, aDV
For the Respondent/s : Mr.Raghwendra Kumar (SC 22)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-09-2022

Heard learned counsel for the parties.

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

“(i) For quashing the demand of Rs. 10,42,2501- (Annexure- 2, 2/A, 2/B, 2/C) from the petitioner on the ground that the petitioner has taken only one trade certificate under the provisions of the Motor Vehicle Act, 1988 and the Rules framed thereunder, in a year and not for all and each vehicle received and sold during the periods from January 2011 to March 2015.

(ii) For holding that only one trade certificate in a year is required by the petitioner dealer under the provisions of the Central Motor Vehicles Rules, 1989 for dealing in motorcycle as a class of vehicle and not for each motorcycle.”

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 **25.09.2022** 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA