

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.778 of 2019

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Om Prakash Gupta, Son of Chandeshwar Prasad, Resident of Village-P.S.-
Nokha, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department ,
Government of Bihar, Patna.
2. The Assistant Excise Commissioner, Rohtas, Sasaram.
3. The District Magistrate, Rohtas.
4. The District Certificate Officer, Rohtas
5. Pankaj Kumar Son of Vijay Kumar Proprietor of Sitajee Rice Mill Station
Road, Nokha, District-Rohtas.
6. Arun Kumar Singh @ Arun Kumar Son of Tufani Sah Resident of Mohalla-
Ward No. 4, Nokha, District-Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jay Prakash Singh, Advocate
For the Respondent/s : Mr.Anil Kr.Sinha , G.A. 1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-10-2022

Petitioner has prayed for following relief(s) : -

- I. For issuance of an appropriate writ/order/direction setting aside the notice date 27.08.2017 against the petitioner under certificate Case No.10/2014-15 and issue notice against the private Respondents in lieu of petitioner.
- II. For issuance of direction for proper inquiry of this matter.
- III. For issuance of an appropriate writ/order/direction for granting such other relief as the petitioner is found entitled to in the facts and circumstances of the 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 **01.11.2022** 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) The authority shall also examine all issues including question of fact and law;

(e) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing as also leading evidences has to be afforded to the parties;

(f) Order assigning reasons shall be supplied to the parties;

(g) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(h) 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;

(i) Liberty reserved to the petitioner to challenge the order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(j) 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)

Ashwini/chn

AFR/NAFR	
CAV DATE	
Uploading Date	12.10.2022
Transmission Date	

