

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19958 of 2019

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Ram Prakash Singh Son of Jadunandan Singh, Resident of Mohalla-
Shivshan, Ward No.21, Bihat, Police Station- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Joint Secretary-cum-Regional Transport Authority-cum-Certificate Officer, Patna Division, Patna.
2. The District Transport Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Advocate
For the Respondent/s : Mr.Lalit Kishore, Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-12-2022

Petitioner has prayed for following relief (s) : -

“I. For quashing the service of notice issued under Section 7 of the PDR Act by the Respondent No. 1 on 02.05.2019 upon the petitioner/ Certificate Debtor for recovery of outstanding dues of Rs.1,45,314.00/- and Rs. 4.50 for recovery of cost occurred in terms of Road Tax, Excessive Tax and punishment in respect of plying Truck bearing Vehicle No. BR-1G- 7906.

II. For quashing the whole proceedings of Certificate Case No. 19 of 19- 20 in respect of Vehicle No. BR- 1G-7906 (Truck) initiated by the Respondent No.1 without having jurisdiction under PDR Act to launch against the petitioner for recovery of outstanding dues of Rs. 1,45,314.00/- accrued in terms of Road Tax, Excessive Tax and punishment in respect of plying the aforesaid vehicle.



III. For suitable award of compensation to the petitioner who being suffered and harassed by the Respondent authorities by initiating Certificate Case vide Certificate Case No. 19 of 19-20 for vexatious and frivolous claim.

IV. For any other relief/reliefs as your Lordships may deem fit and proper under the existing facts and circumstances of the case.”

It is not in dispute that petition under Section 9/60 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 petitioner under Section 9/60 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 11.01.2023 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 9/60 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)

(Partha Sarthy, J)

KC Jha/chn

AFR/NAFR	
CAV DATE	
Uploading Date	20.12.2022
Transmission Date	

