

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8799 of 2018

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Prem Kishore Prasad Son of Saryug Prasad Resident of Village and P.O. Lagunara, P.S. Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna
2. The District Magistrate, West Champaran, Bettiah.
3. The District Certificate Officer, West Champaran, Bettiah.
4. The Excise Inspector, Department of Registration, Excise and Prohibition, West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : Mr. Anil Kr. Sinha- GA 1

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

10 17-08-2023 Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“(i) For issuance of a Writ in the nature of Certiorari for quashing of the certificate issued by the respondent no. 3 dated 18.07.2016 under Section 4 of the Bihar & Orissa Public Demand Recovery Act, 1914, as being void ab initio.

(ii) For issuance of a Writ in the nature of Certiorari for quashing of the order dated 18.7.2016 passed in Certificate Case No. 29 (Excise)/2016-17, whereby and whereunder the



respondent no. 3 has issued notice to the petitioner for recovery of a sum of Rs.7,39,950/-.

(iii) For issuance of a Writ in the nature of Mandamus directing the respondent authorities not to take any coercive step against the petitioner for recovery of the demand in furtherance to the initiation of the proceeding vide Certificate Case No. 29 (Excise)/2016-17, pending before the respondent no. 3; and for any other relief or reliefs for which the petitioner is found entitled.”

3. *Prima facie*, the present writ petition is premature for the reasons that further proceeding was required to be undertaken by the concerned official respondent under the Bihar & Orissa Public Demand Recovery Act, 1914, in other words, after due consideration of the petitioner’s written statement/objection. The petitioner has rushed to this Court without waiting for final order. Therefore, the present petition is premature.

4. Accordingly, present writ petition stands disposed of as not maintainable, however, the concerned authority is hereby directed to conclude the proceedings after taking note of each of the objections/statements of the petitioner insofar as certificate proceedings are concerned.

5. The above decision shall be taken by the concerned



official respondent/competent authority within a reasonable period of time of two months from the date of receipt of copy of this order.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

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