

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5961 of 2018

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Bhishma Narayan Singh, Son of Late Rampati Singh, Resident of Village-
Dhangain, P.S.- Jhamhor, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The District Certificate Officer, Aurangabad.
4. The Treasury Officer, Aurangabad.
5. The Excise Superintendent, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Advocate
For the Respondent/s : Mr.Anil Kumar Sinha, GA-1

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 25-01-2023 The petitioner has prayed for the following relief/s :-

“i) For issuance of appropriate writ / writs, order / orders, direction / directions for quashing the entire certificate proceeding being case no. 05/13-14 whereby petitioner is directed to deposit a sum of Rs. 112815/- (Annexure-4).

(ii) For issuance of appropriate writ/ writs, order / orders, direction / directions



commanding the respondent authorities to accept the cause shown by the petitioner on 25.11.2017 (Annexure-6) annexing therein the certificates issued by the respondent no.4, Treasury Officer affirming the fact that there is no due left with the petitioner with respect to license fee of composite liquor shop no. 11 for financial year 2009- 2010 at Dhangain and accordingly drop the certificate proceeding no. 05/13-14 and Demand Notice dated 26.10.2013.

(iii) For issuance of appropriate writ/ writs, order/orders, direction/directions commanding the respondent authority for refunding of Rs. 60,000/- with admissible interest (Annexure-8) as said amount was realized by respondent authorities by putting the petitioner under threat of auctioning of security which was provided by petitioner for obtaining license shop.

(iv) For any other relief/reliefs for which he is found entitled in the eye of law and in the facts and circumstances of the present case.”

In view of the response filed by the State and more specifically paragraph 11 whereof, which is extracted hereunder:-

“11. That the deponent states that it is gathered from the records that as soon as the matter came to the notice of the answering respondent No. 5, Excise Superintendent Aurangabad through Letter No. 303, dated



23.10.2017 of Respondent No. 4 i.e. the Treasury Officer, Aurangabad that amount contained in Certificate Case No. 05/13-14 has already been deposited in District Treasury through Challan No. 21, dated 11.08.2009, the Respondent No. 5, Excise Superintendent, Aurangabad vide its Office Letter No. 359/Excise dated 02.06.2018 informed the District Certificate Officer, Aurangabad (Respondent No. 3) to drop the certificate proceeding initiated vide Certificate Case No. 05/13-14 against the petitioner for realization of certificate amount.”,

we are of the considered view that the present petition has become infructuous for the proceeding initiated under the provisions of Bihar and Orissa Public Demands Recovery Act, 1914 stands closed.

At this stage, learned counsel for the petitioner states that the petitioner has paid Rs.60,000/- which is required to be refunded to him.

Well, for this, petitioner is at liberty to approach the respondent(s) concerned seeking refund thereof.

We are hopeful that as and when such action is initiated the appropriate authority shall take a decision expeditiously by passing a speaking order preferably within a period of two months.



As such, the present petition stands disposed of
reserving liberty to agitate the issue, should the need so arise.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

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