

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17780 of 2022

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M/s Sasa Musa Sugar Works Pvt. Ltd. through the Director, Sajid Ali (Male)
aged about 55 years, S/o Sri Shaukat Ali, R/o Sasa Musa, P.S.- Kuchaikot,
District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Sugarcane Development
Department, Government of Bihar, Patna
2. The Secretary, Sugar Cane Development Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum- Collector, Gopalganj.
4. The Sugarcane Officer, Gopalganj, District- Gopalganj.
5. The District Certificate Officer, Gopalganj, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Udit Narayan Singh, Advocate
Mr. Rajiv Kumar, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC-9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-01-2023

Heard learned counsel for the parties.

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

“ For quashing of Certificate issued in Misc. Case
No. 01/20-21 by the Certificate Officer, Gopalganj
and the notice dated Nil issued under the Bihar and
Orisa Public Demand Recovery Act.



- (b) For quashing of the order dated 18.7.2022 passed in Misc. Case No.01/2020-21 by the Certificate Officer, Gopalganj contained in Annexure-6 to this petition by which he has rejected the objection petition filed U/s 9 of the Bihar and Orisa Public Demand Recovery Act (hereinafter referred to as the act)
- (c) For a direction to the District Certificate Officer, Gopalganj not to take any coercive step against the petitioner during pendency of this writ application.
- (d) For any other relief or reliefs.

”

Impugned order dated 18.07.2022, passed by the Certificate Officer, Gopalganj in Misc. Case No. 01/2020-21 (Annexure-6 Page No. 41), to say the least, is cryptic and unreasoned, much less having considered the objections filed by the petitioner (Page No. 36). By way of one sentence, without assigning any reasons, objection filed under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 stands rejected.



Reasons thereof cannot be inferred even by imagination from the impugned order.

Rejection of objection entails civil and penal consequences. Also, the impugned order has been passed without complying with the principles of natural justice.

As such, we quash and set aside the impugned order dated 18.07.2022, passed by the Certificate Officer, Gopalganj in Misc. Case No. 01/2020-21 (Annexure-6 Page No. 41) as also the Certificate issued in Misc. Case No. 01/20-21 (Annexure-2, Page No. 19) with a direction to the Certificate Officer, Gopalganj to decide the objection afresh within a period of three months, accounting for the issues raised by the petitioner under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914, as also assigning reasons and complying with the principles of natural justice.

Liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

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.



Also, liberty reserved to the petitioner to approach the Court, should the need so arise subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2023
Transmission Date	

