IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18214 of 2016

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Smt. Vibha Gupta Wife of Sri Jugal Kishore Ratnesh Resident of Mohalla Main Road, Motihari, P.S. Motihari, District East Champaran.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. District Transport Officer, Motihari, East Champaran.
3. District Certificate Officer, Motihari, East Champaran.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Respondent/s : Mr.Anil Kr. Singh- GP-26

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 07-10-2024

1. The Writ application is filed to direct the respondent Nos. 2 and 3 not to realize the Road Tax, Additional Tax and fine from the petitioner amounting to Rs. 3,55,197/- for the period from 01.06.2003 till date, relating to Mini Bus No. BR-05AP-6151 for which a Certificate Case No. 100/RT/11-12 has been filed for recovery of the said Certificate amount.

2. The brief facts culled out of the petition are that petitioner is the owner of Mini Bus No. BR-05AP-6151. The said vehicle has not plyied on the road from 24.10.2002 because the Permanent Permit No. 4/2000 of the said bus was

surrendered before the Regional Transport Authority, Muzaffarpur due to the enhancement of Road Tax and Additional Tax in the State of Bihar from 16.07.2002 to 17.04.2006. The contents of the Writ petition further disclose that the petitioner has paid the Road Tax and Additional Tax till 31.05.2003 but the tax token has not been issued by the District Transport Officer, Motihari(respondent No. 2).

3. The Learned counsel for the petitioner further contended that in the similar circumstances, the Hon'ble High Court was pleased to pass so many order directing the respondents to accept the Road Tax and Additional Tax at the old rate i.e. Rs. 267 per seat, per quarter without any penalty for the period between 16.07.2002 to 17.04.2006 and to issue tax token and after the amendment has been made to accept the tax at the old rate, for the Mini Bus of the petitioner. Further it was contended that the petitioner approached the second respondent for issuance of tax token but no tax token was issued and without examining the facts and record, the respondent No. 2 filed a Certificate Case before the respondent No. 3 bearing Certificate Case No. 100/RT/11-12 for recovery of Rs. 3,55,197/- relating to Mini Bus which is

illegal and unjustified and therefore, prayed to quash the said notice.

4. On the other hand, Learned counsel for the respondent contended that the petitioner has filed the present Writ challenging the notice which is not tenable in the eye of law. It is also contended that the petitioner has every right to file objections under Section 9 of the Bihar and Orissa Public Demands Recovery Act.

5. However, it is contended by the Learned counsel for the petitioner that Certificate Officer did not permit the petitioner to file his objections and therefore, he was constrained to file the Writ petition.

6. Heard Learned counsel for the petitioner as well as Learned counsel for the respondent.

7. On perusal of record, it is evident that the Writ petition is filed challenging the notice issued by the respondent wherein the petitioner was directed to pay Rs. 3,55,197/- in Certificate Case No. 100/RT/11-12.

8. An alternative remedy is available for the petitioner to approach before the concerned authority. Further the petitioner has every right to file objections under Section 9

of the Bihar and Orissa Public Demands Recovery Act. Though, it is contended by the Learned counsel for the petitioner that the respondent has not permitted him to file his objections and the same was not mentioned in the Writ petition.

9. Further the petitioner is directed to file his objections before the Certificate Officer within one month from the date of receipt of this order which shall be entertained by the Certificate Officer and after considering the objections the respondent/Certificate Officer shall pass an appropriate order within three months from the date of filing of the objections.

10. With the abovesaid direction, the Writ petition is disposed of.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.10.2024
Transmission Date	