

23.09.2024
Sl. No.15(DL)
srm

W.P.A. No. 15831 of 2024

The Asia Health Care Development Private Limited & Anr.

Versus

State of West Bengal & Ors.

Mr. Kumar Jyoti Tewari,
Mr. Tarun Jyoti Tewari,
Mr. Amrit Sinha

...for the Petitioners.

Mr. Lalit Moham Mahata, Id. AGP
Mr. P.B. Mahata,
Mr. Ziaul Haque

...for the State-respondents.

Mr. Sakya Sen,
Mr. Sunil Gupta,
Mr. Hasibul Islam

...for the Zilla Parishad.

Although, the question of an alternative remedy has been raised by the learned Advocate for the Zilla Parishad, the issue before this Court is whether the certificate officer proceeded in accordance with the provisions of the West Bengal Public Demands Recovery Act, 1913 while issuing the certificate.

Mr. Tewari, learned Advocate for the petitioners submitted that an unsigned copy of the certificate was supplied with the notice and a doubt had arisen in the mind of the petitioners that the certificate had not been issued, as the

same did not bare the signature of the officer. Only a copy was supplied to the petitioners without the authority empowered to issue the certificate having proceeded in accordance with law, by applying his mind.

The Court had directed the authority to furnish the record and apprise the Court as to whether the original certificate was signed or not.

Mr. Mahata, learned Advocate appearing for the State-respondents submits a report which shows that by mistake, the signature of the certificate officer was not affixed in the certificate. The certificate officer had not signed the original certificate and this court has reason to presume that the certificate was issued mechanically.

Under such circumstances, the notice issued under the West Bengal Public Demands Recovery Act, 1913, being annexure P/18 at page 98 of the writ petition and the certificate, the copy of which is at page 101 of the writ petition are set aside on the ground that the same are irregular. The certificate officer did not put his stamp and seal in the original certificate. Thus, the original certificate suffers from procedural irregularity and is not valid in the eye of law.

The writ petition is disposed of granting liberty to the certificate officer to take fresh steps under the West Bengal Public Demands Recovery Act, 1913, in accordance with law.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)