

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8051 of 2018

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Kanta Tiwari Son of Late Patawari Tiwari, Resident of Village and Post-
Thakraha, Police Station- Dhanha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Excise Commissioner, Bihar, Patna.
3. The Collector, West Champaran, Bettiah.
4. The District Certificate Officer, West Champaran, Bettiah.
5. The Sub-Divisional Officer-cum-Certificate Officer, Bagaha, District- West Champaran.
6. The Superintendent of Excise, West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Respondent/s : Mr. Vikash Kumar- SC-11

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 04-08-2025

1. The petitioner has filed the Writ
petition for the following reliefs:

*"1). For issuance of writ in
the nature of certiorari for quashing the
order dated 30/12/17 passed by the
Certificate Officer Bagaha in Certificate
Case No. 49 of 2016-17, whereby and
where under a warrant has been issued
against the petitioner (Annexure-3) and
further to quashing the entire certificate
proceeding as the same is vitiated in*



the eye of law.

ii). For issuance of writ directing the respondent to re-calculate the dues on the basis of the lifting quota supplied by the respondent to the petitioner's Group/shops.

lii). For issuance of writ directing the respondent No. 4 to not take any coercive steps against the petitioner during the pendency of the present application.

2. At the outset, the Learned counsel for the petitioner seeks indulgence of this Court to grant liberty to file fresh objections under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914 and direct the authority to pass necessary orders duly taking into account the objections filed by the petitioner. As a warrant has been issued against the petitioner for which he was constrained to file the Writ petition.

3. The Learned counsel for the respondents submitted that he has no objection, if a direction is given to the concerned authority to pass necessary orders under Section 10 of the Act duly taking into



account the objections filed by the petitioner.

4. Having regard to the above made submissions, without going into the merits or demerits of the case, the present writ petition is disposed of granting liberty to the petitioner to file objections under Section 9 before the concerned authority within a period of four weeks from today. On such objections being filed, the authority concerned shall pass necessary orders under Section 10 of the Act.

5. It is needless to mention that before passing any order, the authority concerned shall give an opportunity of hearing to the petitioner. Any order passed shall be communicated to the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of three months from the date of filing of the objections by the petitioner.

6. Till the passing of the final order by the Certificate Officer, it is directed that no coercive steps shall be taken against the petitioner herein.



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

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.08.2025
Transmission Date	

