

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16278 of 2023

Shiv Shnakar Bhagat Son of Raghbir Prasad Bhagat, Resident of Mohalla
Nathnagar P.S. Nathnagar District Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Government of Bihar,
Registration Excise and Prohibition Department Vikas Bhawan, Patna.
2. The Commissioner, Excise Government of Bihar, Patna.
3. District Magistrate, Katihar.
4. The Superintendent Excise, Katihar.
5. The Certificate officer-cum- District Supply Officer, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Adv.
For the Respondent/s	:	Mr. (SC-5)
		Mr. Arun Kumar, AC to SC-5

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL ORDER

4 15-07-2026 **1.** The Writ petition has been filed for the
following relief:-

*“That this is an application for
issuance of a Writ in the nature of
certiorari or an appropriate Writ order
or orders, direction or directions for
quashing the order dated 18.06.2021,
issued in case No. 05 of 2015-16
under the signature of respondent No.
5, the Certificate Officer-cum-District
Supply Officer, Katihar and that too
without any memo whereby and
whereunder he has been pleased to
issue notice for payment of Rs.*



21,06497/- with interest as well as expenditure by 05.08.2021, otherwise attachment of property and warrant of arrest will be issued against thereafter.”

2. The brief facts, as culled out from the Writ petition, are that the petitioner was granted an excise licence for the year 2013-14 for which he had deposited one month's security and one month's advance licence fee along with fixed deposits amounting to Rs. 11,14,890/-. It is further submitted that following the closure of the shop pursuant to Government policy, the said deposits were forfeited by the Excise Department.

3. The Learned counsel for the petitioner submits that in spite of the forfeiture of the aforesaid amount, the respondents raised a demand of Rs. 21,06,497/- without disclosing the basis of such calculation. It is contended that a memo for attachment of property and a warrant arrest will be issued, in case the payment was not done. It is further contended that the notice issued under Section 7 of the Bihar & Orissa Public



Demands Recovery Act, 1914 was not served in the prescribed manner and the petitioner was deprived of an opportunity to file an effective objection.

4. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents. Perused the record.

5. Taking into consideration the materials available on record and submissions, this Court find that the petitioner has an effective alternative remedy available under the Bihar & Orrisa Public Demand Recovery (PDR) Act. Therefore, the petitioner at liberty to file an objection under Section 9 of the said Act before the concerned Certificate Officer/ Respondent No. 5 within one month from the date of receipt/production of a copy of this order. In turn, the Certificate Officer/ Respondent No. 5 shall consider the same and pass a reasoned and speaking order under Section 10 of the said Act, in accordance with law within a period of three months from the date of filing of such objections. It is needless to say that before passing



any order, the petitioner shall be given an opportunity of hearing.

6. In the meantime, no coercive steps shall be taken against the petitioner.

7. With the aforesaid observation, the Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

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