

(2022) 06 PAT CK 0014

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 7023 Of 2022

Nilam Devi

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 21-06-2022

Acts Referred:

Bihar & Orissa Public Demands Recovery Act, 1914 — Section 9

Citation : (2022) 06 PAT CK 0014

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Rajesh Kumar Sinha, Vikash Kumar

Final Decision : Disposed Of

Judgement

The petitioner has prayed for the following relief/s :-

(1) For quashing the impugned certificate letter dated 30.03.2022, issued by the Certificate Officer, Supaul in Auction Case No. 119 of 2022, which is based on an order dated 20.01.2016 passed by the Assistant Inspector General, Registration, Koshi Division at Saharsa by which alleged deficit stamp fee of Rs. 28,910/- had been directed to be paid by the petitioner for a Registration of Deed No. 2031 dated 16.04.2013 which is an ex-parte order and violation of principle of natural Justice as such the impugned order is not sustainable and fit to be quashed.

(ii) Further for quashing the order dated 20.01.2016 issued / passed by the Assistant Inspector General Registration, Koshi Division at Saharsa, which has been passed ex-parte without hearing to the petitioner which is in violation of principle of natural Justice.

(iii) To grant any relief for which the petitioner is entitle to get in the eye of law.

It is not in dispute that petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as "the Act") is pending consideration/petitioner intends to file before the appropriate authority.

Learned counsel for the parties jointly pray that the instant petition be disposed of with direction to the appropriate authority to consider and decide the same expeditiously.

Learned counsel for the State states that the appropriate authority shall consider and decide the petition filed/ to be filed by the petitioner under Section 9 of the Act positively within a period of two months from the date of appearance of the petitioner before him along with a copy of this order and the issue of limitation shall not come in the way of decision on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall appear in the office of the appropriate authority on 05.07.2022 along with a copy of this order, on which date documents in support of the petition shall be filed, or else file a fresh petition under Section 9 of the Act.

(b) The appropriate authority shall consider and dispose of the petitioner's petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioner before him and till then no coercive steps be taken against the petitioner;

(c) The authority shall also examine as to whether the amount in question falls within the definition of public demand or not;

(d) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Order assigning reasons shall be supplied to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) 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;

(h) Liberty reserved to the petitioner to challenge the order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.