

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8536 of 2014

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Siya Devi wife of Late Baldeo Pandit resident of village - Rupani (Karua)
P.O. + P.S. - Chautham District - Khagaria.

.... Petitioner

Versus

1. The Union of India
2. The Secretary, Ministry of Home Affairs, Govt. of India, Lok Nayak Bhawan, Khan Market New Delhi - 110003
3. Director-cum-Secretary, Govt. of India, Ministry of Home Affairs, Freedom Fighter Division, New Delhi.
4. Additional Secretary, Swatantrata Sainik Division Ministry of Home Affairs, Govt. of India, Lok Nayak Bhawan, Khan Market New Delhi - 110003.
5. The State of Bihar through the Secretary to the Govt. Ministry of Home (Special) Department, Govt. of Bihar, Patna.
6. Joint Secretary, Home (Special) Department, Govt. of Bihar, Patna.
7. The District Magistrate, Khagaria.
8. District Certificate Officer, Khagaria.
9. Block Development Officer, Chautham, Dist. - Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dronacharya, Advocate
For the Union : Ms. Kanak Verma, CGC
For the State: Mr. Ratnakar Ambastha, AC to GP 13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 10-03-2015 In view of the limited prayer made at the time of hearing of this application, learned counsel for petitioner submitted that though objection after notice under section 9 of the Bihar and Orissa Public Demands Recovery Act (hereinafter to be referred to as “the Act”) was filed but no decision has been taken as yet in terms of section 10 of the Act and in support thereof, the petitioner has appended the ordersheet of the certificate proceeding.

It does not appear that any finding has been recorded or there is any determination of the issue under section 10 of the Act.

In above view of the matter, this writ application is being disposed of with a direction to the Certificate Officer concerned to take a decision required under section 10 of the Act upon the objection filed by the petitioner and, thereafter, proceed accordingly.

Till then no coercive action should be taken by the Certificate Officer for recovery and the distress warrant etc. shall remain stayed till a final decision is taken.

(Dr. Ravi Ranjan, J)

SC/-

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