

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22944 of 2012

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Dhiraj Kumar, S/o Late Chandra Bhusan Singh, Resident of Village - Wallipur, P.S.
Piparhia, District - Lakhisarai

.... Petitioner

Versus

1. The State of Bihar through D.D.C., Lakhisarai
2. The Certificate Officer, Lakhisarai

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Vijay Anand, Advocate
For the Respondents: Mr. Dhurjati Kr Prasad GP7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-08-2015

Heard learned senior counsel for the petitioner and
learned counsel for the State.

2. The writ petition has been filed for quashing the
entire certificate proceeding including the notice dated 14.12.2011 in
Certificate Case No.22 of 2011-12 by which the Certificate Officer
has asked the petitioner to deposit Rs.18,74,774/-.

3. The immediate concern of the petitioner in this
case is that a warrant of arrest has been issued against him in
connection with the dues amounting to Rs.18,74,774 recoverable in
terms of the notice dated 14.12.2011 issued by the Certificate Officer,
Lakhisarai in Certificate Case No. 22 of 2011-12 under Section 7 of
the Bihar & Orissa Public Demands Recovery Act (For short, “the
Act”).

4. Learned counsel for the respondents submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the Respondents.

5. Be that as it may, with consent of the parties, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer, Lakhisarai on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Lakhisarai, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 22 of 2011-12.

7. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/-

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