

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9850 of 2015

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Vinod Kumar Paswan Son of Gorelal Paswan, Resident of Village- Madhura (West), P.S.- Phulkaha (Narpatganj), District- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Araria
3. The District Development Commissioner-cum-Chief Executive Officer, District Board, Araria
4. The Certificate Officer, Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Adv.
For the Respondent/s : Mr. Anil Kr Uapdhyay, SC-20.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 07-08-2015

Heard learned counsel for the petitioner and the State.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 71/2011-12 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands recovery Act (For short, "the Act") for recovery of the dues amounting to Rs. 99,300/- are wholly illegal and liable to be quashed.

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. 99,300/- recoverable in terms of the notice dated 20.01.2012 issued by the District Certificate Officer, Araria in Certificate Case No. 71/2011-12.

4. It is further submitted that an objection petition under Section 9 has already been filed which is pending before the Certificate Officer but without disposing of the same, the warrant of arrest has been issued.

5. With the consent of 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 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, Araria, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 71/2011-2012.

(Vikash Jain, J)

Md. Ibrarul/-

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