

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4525 of 2015**

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Md. Waliullah Ashraf S/o Late Ataur Rahman, resident of village - Babu Salempur, P.S. Raiyam, District - Darbhanga

.... .... Petitioner/s

Versus

1. The State of Bihar through the Commissioner Cum Secretary Department of Transport and Surface, Bihar, Patna
2. The Joint Commissioner Cum Secretary, Regional Transport Development Authority, Darbhanga
3. The Chairman, Darbhanga Regional Transport Authority, Darbhanga
4. The District Magistrate, Madhubani
5. The District Certificate Officer, Madhubani
6. The District Transport Officer, Madhubani
7. Rajbir Sharma S/o Balbir Sharma, resident of village - Wazirpur, P.S. Beri, District - Zazzar ( Hariyana )

.... .... Respondents

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**Appearance :**

For the Petitioner : M/s. Raj Kumar, Ratanakar Jha and  
Priya, Advocates

For the State : M/s. Nasrul Hoda Khan, S.C. 18  
Babita Kumari, A.C. to S.C.18

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 06-05-2015**

Through this writ application, the petitioner seeks quashing of the entire proceeding of Certificate Case No.252 of 2003 as well as the notices dated 28.04.2011 and 01.12.2013 published in the daily newspaper.

It is submitted that petitioner was never served with any notice issued under Section 7 of the Bihar & Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as “the Act”) and, as such, the entire proceeding is required to be quashed.

It is submitted that a notice has been given in the newspaper, a copy of which has been appended as Annexure-7, that if the due amount is not paid then steps for attachment of property and distress warrant would be taken in the concerned certificate case.

A counter affidavit has been filed on behalf of the respondent nos.1 to 6 and it has been stated in paragraph-10 thereof that this Court should direct the petitioner to file objection and avail the opportunity under Section 9 of the Act.

Accordingly, this writ application is being disposed of with a liberty granted to the petitioner to file his objection under Section 9 of the Act within eight weeks. In case, such objection is filed by the petitioner within the aforesaid period, let the same be considered by the Certificate Officer on its own merit and in accordance with law by recording a speaking order. Thereafter, he will proceed further in accordance with the decision taken by him.

**(Dr. Ravi Ranjan, J)**

N.H./-

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