

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2523 of 2014

=====

Uma Shankar Thakur S/O Late Raju Thakur Resident Of Village- Chhakiya, P.S-
Tisiauta, Distt- Vaishali.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Cum Collector, Distt- Aurangabad.
3. The Distt- Supply Officer, Aurangabad.
4. The District Manager Food And Civil Supply Corporation Aurangabad.
5. The District Certificate Officer, Aurangabad.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6

For the Respondent/s : Mr. Kundan Bhadur Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-12-2015

1. Interlocutory Application No. 646 of 2015 has been filed for substituting the legal heirs of the petitioner who said to have died on 29.10.2014.

2. Having heard the parties and in view of the nature of prayer, I.A. No. 646 of 2015 stands allowed and the petitioner is permitted to implead the legal heirs enumerated in paragraph 3 of the said I.A in place of the petitioner in course of the day.

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 15/13-14 dated 29.07.2013 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. 26,58,231/- are wholly illegal and liable to be quashed.

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 with direction to the Certificate Officer, Aurangabad to consider and dispose of the objection petition under Section 9 of the Act said to have been filed by the petitioner, on its own merits, in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

6. It is made clear that until disposal of such objection petition, the Certificate Officer, Aurangabad shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 15/13-14.

(Vikash Jain, J)

Prakash/-

U			
---	--	--	--