

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7776 of 2014

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Vijay Kumar Singh son of Late Kapileshwar Singh resident of Village - Arout, P.S.
Rosera, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate - cum - Collector, Samastipur
2. The Deputy Development Commissioner - cum - Chief Executive Officer, Zila Parishad, Samastipur
3. The Certificate Officer, Samastipur
4. The Sub - Divisional Officer, Rosera, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Respondent/s : Mr. GA-12 AJAY

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-01-2016

Heard learned counsel for the petitioner
and learned counsel for the Respondents.

2. The present writ petition has been
filed for quashing the impugned notice dated 17.08.2011 issued
by the respondent Certificate Officer for initiating certificate
proceeding vide Case No. 8 of 2011-12 directing the petitioner to
deposit Rs. 44,500/-.

3. At the outset, learned counsel for the
petitioner submits that he is not liable for recovery of the amount
of Rs. 44,500/- sought to be recovered through the Certificate
proceeding. In any event, he has filed an objection petition on

29.08.2011 in terms of Section 9 of the Bihar & Orissa Public Demands Recovery Act (for short, “the Act”), which is pending.

4. From the facts narrated in the writ petition, this Court is of the view that the writ petition is premature as the Certificate Officer does not appear to have proceeded against the petitioner and the objection petition as aforesaid remains pending.

5. In the above view of the matter, the writ petition is dismissed. Needless to say, it is expected that the Certificate Officer shall dispose of the objection petition filed by the petitioner, which is still pending, before proceeding further in the matter in accordance with law.

(Vikash Jain, J)

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