

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8302 of 2014

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Dinesh Prasad Gupta, S/o Late Sheonath Gupta, R/o Village - Nauhatta, P.S.
Navhatta, District- Saharsa

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The District Magistrate, Saharsa
3. The Certificate Officer, Saharsa
4. The Circle Officer Navhatta, Saharsa

.... Respondents

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Appearance :

For the Petitioner : Mr. Amarnath Jha, Advocate

For the Respondents: Mr. Kamlesh Prasad, AC to SC 2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-03-2016

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

2. It is submitted on behalf of the petitioner that the entire
proceedings in Certificate Case No. 04/2002 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.
1,69,000/- are wholly illegal and liable to be quashed.

3. 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.

4. Be that as it may, 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 District Certificate Officer, Saharsa 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.

5. It is made clear that until disposal of such petition, if filed, the District Certificate Officer, Saharsa shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 04/2002.

6. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/-

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