

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3673 of 2013

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Devendra Kumar Paswan son of Late Damari Paswan, resident of Village - Diha,
P.S. - Chainpur, District - Kaimur (Bhabhua)

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Kishanganj
2. The Deputy Development Commissioner, Kishanganj
3. The Director Accounts Administration and Self Employment District Rural Development Authority, Kishanganj
4. The District Certificate Officer, Kishanganj
5. The Block Development Officer, Terhagachhi Block, District - Kishanganj

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Durga Nanda Jha Mr. Sanjeet Kumar Tiwari Mr. Rajnish Kumar, Advocates.
For the State	:	Mr. Rajesh Ranjan, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-10-2016

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

2. It is submitted on behalf of the petitioner that the entire
certificate proceedings in Certificate Case No. 02/2011-12 initiated
against the petitioner, who was posted as the Block Development
Officer, Terhagachhi in the year 2010, in terms of Section 7 of the Bihar
& Orissa Public Demands Recovery Act (for short, "the Act") for
recovery of the entire dues of Rs. 12,60,000/- said to have been
defalcated in connection with the *Indira Awas Yojna*, are wholly illegal
and liable to be quashed.

3. Learned counsel for the State 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 the 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, Kishanganj 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, Kishanganj shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 02/2011-12.

6. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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