

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1617 of 2014

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Murli Prasad Gupta son of Sri Late Harihar Prasad Gupta Village - Gaiyari, P.S./
District - Araria

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Araria
3. The Sub - Divisional Officer, Araria
4. The Certificate Officer - Cum - SDO, Araria
5. The Labour Enforcement Officer and Inspector, Araria
6. Shahnawaz S/O Late Abdul Zamil of Village - Gaiyari, P.S. District - Araria

.... Respondents

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Appearance :

For the Petitioner : Mr. Bidhanesh Misra
Mrs. Tanuja Mishra, Advocates
For the Respondents : Mr. Ranjan Kumar, AC to AAG IV
For Respondent No.6: Mr. Md. Naushaduzzoha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-03-2016

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

2. The present writ petition has been filed for quashing of
the notice issued under Section 7 of the Bihar and Orissa Public
Demand Recovery Act, 1914 by the Certificate Officer, Araria in
Certificate Case No. 20/2012-13 for recovery of a sum of Rs.
52,800/- from the petitioner.

3. It is submitted on behalf of the petitioner that the entire
proceedings in Certificate Case No. 20/2012-13 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.

52,800/- are wholly illegal and liable to be quashed.

4. Learned counsel for the respondent-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.

5. In the above view of the mater, 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 Certificate Officer, Araria 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.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Araria shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 20/2012-13.

7. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/-

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