

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.21000 of 2012**

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Maritunjay Kumar Singh, son of Late Krishna Singh, resident of Village- Baraki  
Chilmi, P.S.- Amas, Distt.- Gaya

.... .... Petitioner

Versus

1. The State of Bihar, through the Secretary, Food & Civil Supply Corporation  
Department, Govt. of Bihar, Patna
2. The Sub Divisional Officer, Sherghati, Gaya
3. The Block Development Officer, Amas, Gaya
4. The Certificate Officer, Gaya

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Adv.

For the State : Mr. Sanjay Kumar, AC to GP-23.

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 05-10-2016**

Heard learned counsel for the petitioner as well as learned  
counsel for the State.

2. It is submitted on behalf of the petitioner that the entire  
proceedings in Certificate Case No. 28/2011-12 in terms of a notice  
under Section 7 of the Bihar & Orissa Public Demands Recovery Act  
(for short, "PDR Act") for recovery of dues amounting to Rs. 1,53,083/-  
are wholly illegal and liable to be quashed.

3. Learned counsel for the petitioner fairly states that  
pursuant to the impugned notice dated 15.09.2011, the petitioner has  
not filed objection petition under Section 9 of the PDR Act denying his  
liability in respect of the amounts sought to be recovered on the  
ground that the dues relate to his deceased father.

4. In the above view of the matter and with 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 PDR Act within a period of four weeks from today, which, if done, shall be disposed of by the Certificate Officer, Gaya 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 Certificate Officer, Gaya shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 28/2011-12.

6. The writ petition stands disposed of.

**(Vikash Jain, J)**

Md. Ibrarul/BT

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