

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7631 of 2014

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Satish Kumar Singh son of Dinesh Kumar Singh Resident of Village and Post
Office - Bishanpur, Police Station - Benipatti, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Madhubani.
2. The Sub Divisional Officer, Sadar, Madhubani.
3. The Certificate Officer, Madhubani.
4. The Branch Manager Bihar State Co-operative Land Development Bank Samiti,
Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

For the Respondent/s : Mr. Partha Sarthy, GA-XI

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-02-2016

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

2. The present writ petition has been filed for
quashing the notice as contained in Memo No. 230 of 2011 dated
19.03.2013 issued from the office of respondent no. 3 by which
the petitioner has been directed to show cause why he should
not be arrested in Civil prison in connection with Execution of
Certificate Case No. 25 of 2009-10 under the Bihar and Orissa
Public Demand Recovery Act, 1914.

3. Learned counsel for the petitioner submits that
coercive action sought to be taken by the Certificate Officer
without first disposing of the petition denying liability claimed to

have been filed by the petitioner in terms of Section 9 of the Bihar and Orissa Public Demands Recovery Act (for short, "the Act") is wholly illegal and unsustainable in law.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of the grievance of the petitioner, the writ petition stands disposed of with a direction to the Certificate Officer, Madhubani to consider and dispose of the petition under Section 9 of the Act, if filed and pending before him, before proceeding against the petitioner for recovery of the certificate dues.

6. Until disposal of such petition as aforesaid by the Certificate Officer, no coercive steps shall be taken against the petitioner in Certificate Case No. 25 of 2009-10.

(Vikash Jain, J)

Md. Ibrarul/-

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