

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1499 of 2014

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Subhash Jha Son of Kamala Kant Jha Ex-Mukhiya Gram Panchayat Raj
Bathe, Resident Of Village - Bath, PS - Madhepur, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Madhubani
3. The District Panchayati Raj Officer, Madhubani
4. The Sub Divisional Officer, Jhanjharpur
5. The Block Development Officer, Madhepur, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Respondent/s : Mr. Ajay Bihari Sinha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 26-07-2016 Heard both sides.

A counter affidavit on behalf of the respondent nos. 2
to 5 is filed. There is no rejoinder to the counter affidavit.

Questioning the justification of the communication
dated 16.12.2013 issued by the respondent-Block Development
Officer addressed to the petitioner, the writ application is filed.

On going through the said communication, it appears
the Block Development Officer found certain Government fund
outstanding with the petitioner. He was called upon to refund a
sum of Rs. 1,85,288/- failing which a certificate proceeding
would be initiated.

From paragraph 13 and 14 of the counter affidavit, it

appears that the petitioner defaulted in refunding the amount which propelled the State Authorities to lodge a certificate proceeding which is pending. The petitioner does not appear to have filed objection therein.

It is submitted on behalf of the petitioner that subsequently an FIR was also lodged in which the petitioner was granted the privilege of anticipatory bail on the condition of payment of certain amount which the petitioner has complied with.

The writ application appears to have become insignificant as the respondent(s) have taken steps to realize the Government fund from the petitioner in accordance with law. The petitioner is now required to contest the certificate proceeding.

The writ application is disposed of permitting the petitioner to contest the certificate proceeding instituted and pending against the petitioner.

(Kishore Kumar Mandal, J)

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