

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3178 of 2012

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1. Jay Prakash Ram S/O Late Anand Lal Ram R/O Village- Baulewa Jagirtoal Bhimpur, P.S.- Teragach, District- Kishanganj
 2. Md. Hasim S/O Late Sheikh Bagar Ali R/O Vilage- Baulewa Jagir, P.S.- Teragach, District- Kishanganj
 3. Ganesh Ram S/O Suman Lal Ram R/O Village- Jhunki Mushra, P.S.- Teragach, District- Kishanganj

.... Petitioners

Versus

1. The State of Bihar through the Secretary Rural Development Department, Govt. of Bihar, Patna
2. The District Magistrate, Kishanganj
3. The Deputy Development Commissioner, Kishanganj
4. The Director Account Administration and Self Employment Department, Rural Development Authority
5. The Certificate Officer, Kishanganj, District-Kishanganj
6. The Block Development Officer, Tearagach Block, District- Kishanganj
7. The Officer-In-Charge, Pachrukhi Police Station, District- Siwan

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey
For the Respondent/s : Mr. Anjani Kumar AAG 10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 28-04-2016 Heard learned counsel for the petitioners and learned counsel for the respondents.

2. It is submitted on behalf of the petitioners that the entire proceedings in Certificate Case No. 88 of 2011-12 against the petitioners 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.3,01,400/-are wholly illegal and liable to be quashed.



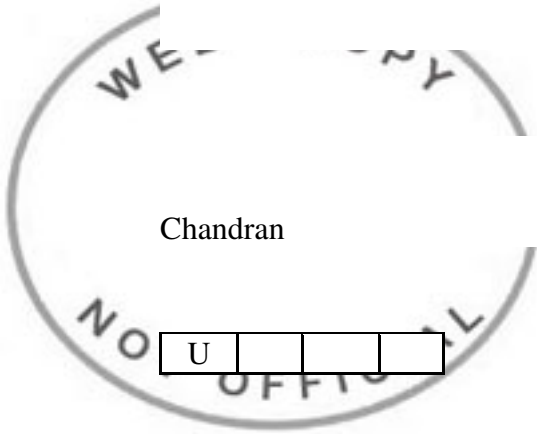
3. Learned counsel for the respondents refers to paragraphs 6 and 7 of the counter affidavit to submit that the certificate proceedings against petitioner nos. 2 and 3 has already been dropped in view of payment having been made by them. However, the petitioner no. 1 continues in default and has not deposited any amount.

4. In any event, it is submitted that the petitioner no. 1 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. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioner no. 1 to file his petition under Section 9 of the Act, if not already filed, within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer 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, Kishanganj shall not resort to any coercive action for recovery of the dues against the petitioner no.1 in Certificate Case No. 88 of 2011-12.

7. The writ petition stands disposed of.



(Vikash Jain, J)