

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

**Civil Writ Jurisdiction Case No.16069 of 2012**

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Krishna Nand Singh, son of Late Bindeshwari Singh, Resident of Village-  
Bachhauta, Police Station- Khagaria, District- Khagaria

.... .... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Khagaria.
3. The District Certificate Officer, Khagaria.
4. The Block Development Officer, Khagaria.

.... .... Respondents

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**Appearance:**

For the Petitioner : Dr. Amrendra Kumar, Advocate  
For the Respondents : Mr. Md. Naushaduzzoha, AC to SC-01  
Mr. Md. N. H. Khan, SC-01

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

ORAL JUDGMENT

**Date: 09-09-2016**

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

2. The present writ petition has been filed for quashing the  
entire certificate proceeding of Case No. 01 of 2008-09 pending in the  
Court of District Certificate Officer, Khagaria.

3. Learned counsel for the petitioner submits that the  
initiation of the certificate proceeding is misconceived inasmuch as the  
petitioner had duly deposited the remaining amount of Rs. 9,000/- in  
cash in the Block Nazarat of Alauli Block on 10.08.1992 itself.

4. Learned counsel for the respondents opposes the writ  
petition, *inter alia*, pointing out that the amount of Rs. 9,000/- had duly  
been adjusted out of the dues of Rs. 3,40,000/- (Annexure-4) and the

requisition was made only for the remaining principal amount of Rs. 3,31,000/- (Annexure-8).

5. This Court takes note of the order dated 06.08.2012 passed by the District Certificate Officer observing that the petitioner had accepted his liability but there was no will to repay. In that view of the matter, the petitioner's objection petition dated 29.11.2010 filed under Section 9 of the Bihar and Orissa Public Demands Recovery Act (Annexure-10) was rejected. Such rejection has not been challenged in the present writ petition which has been filed subsequently on 27.08.2012. A perusal of the objection petition does not also show that the petitioner ever raised the plea of having paid Rs. 9,000/- in 1992 which remained unadjusted. The observations and findings in the said order dated 06.08.2012 passed by the District Certificate Officer have therefore attained finality.

7. In the above circumstances, this Court finds no merit in the writ petition which accordingly stands dismissed.

**(Vikash Jain, J)**

Md. Ibrarul/Chandran

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