

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15989 of 2014

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Mukti Nath Singh, Son of Late Banwari Singh resident of Village-Sahora
(Koskipur Sahora), Police Station-Gopalpur, under Rangra O.P., District- Bhagalpur
.... Petitioner

Versus

1. The State of Bihar
2. District Magistrate, Bhagalpur
3. District Development Commissioner, Bhagalpur
4. Director Accounts, District Rural Development Agency, Bhagalpur
5. Senior Deputy Collector, Bhagalpur, In-charge Rangra Chowk Parkhand
6. District Certificate officer, Bhagalpur
7. Block Development Officer, Rangra Chowk, Bhagalpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashok Kumar Mallick, Advocate
For the Respondents : Mr. Awadhesh Kumar, AC to GP3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-03-2016

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

2. This writ petition has been filed for quashing the
entire certificate proceeding including the certificate notice of
Certificate Case No. 02/13-14 as contained in Annexure-8 of the writ
petition

3. It is submitted on behalf of the petitioner that the entire
proceedings in Certificate Case No. 02/13-14 against the petitioner 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.
2,09,166.66 are wholly illegal and liable to be quashed.

4. A supplementary affidavit has been filed stating that pursuant to the order of this Court dated 15.09.2014, the petitioner has submitted his objection under Section 9 of the Act, which is pending before the District Certificate Officer.

5. With the consent of parties, the present writ petition is disposed of with direction to the District Certificate Officer, Bhagalpur to consider and dispose of the objection petition under Section 9 of the Act said to have been filed by the petitioner, on its own merits, in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

6. It is made clear that until disposal of such objection petition, the District Certificate Officer, Bhagalpur shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 02/13-14.

(Vikash Jain, J)

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