

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8840 of 2017

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1. Sugan Prasad Sahi, Son of Late Hira Prasad Sahi, resident of Village- Prataptand (West), Police Station- Bhagwanpur in the district of Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Tirhut Division, Muzaffarpur.
2. The District Magistrate-cum-Collector, Vaishali at Hajipur.
3. The District Certificate Officer, Vaishali.
4. The Principal Secretary, General Administration Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the State : Mr. Md. Harun Quareshi AC tp SC1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 30-08-2017

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

In the present case, petitioner is challenging the order dated 15.6.2016 passed by the Certificate Officer, Vaishali in Certificate Case 207 of 2014-15 by which objection petition filed on his behalf under Section 9 of the PDR Act has been rejected.

Petitioner is present Mukhiya was also Mukhiya during 2005-06 purchased Solar Light objection was raised about quality of purchase of Solar Light. A certificate proceeding has been initiated vide Certificate Case No.207 of 2014-15 raising



demand of Rs. 8,16,257/-. The petitioner has filed objection. The Certificate Officer, Vaishali vide order dated 15.6.2016 has rejected the same and later on, body warrant has been issued.

Learned counsel for the petitioner submits that it is not disputed that petitioner had not purchased the Solar Light but only dispute is that he had purchased from different agency. He has further submitted that at the relevant time there was no instruction from whom Solar Light was to be purchased but later on letter was issued for mode and manner of purchase of Solar Light.

Objection is to be looked into by the competent authority, not by this Court and this Court is not giving any opinion on the nature and quality of purchase of Solar Light. This Court will only examine the procedure followed by the authority and the manner objection petition has been dealt with. It appears that the Certificate Officer without giving reason order, has rejected the objection of the petitioner.

In such view of the matter, the order dated 15.6.2016 passed by the Certificate Officer, Vaishali in Certificate Case No.207 of 2014-15 is set aside and Certificate Officer, Vaishali is directed to pass a fresh order in accordance with law within a period of three months from the date of receipt/production of a



copy of this order and petitioner is directed to co-operate with the proceeding, in failure to extend co-operation the authority will be at liberty to pass an ex-parte order. The petitioner, if so advised, may file a fresh objection.

Till disposal of the objection, no coercive steps will be taken against the petitioner.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	4.9.2017
Transmission Date	NA

