

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3194 of 2013

In

Miscellaneous Jurisdiction Case No.4049 of 2012

Rajesh Kumar Singh

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Kumar, Advocate

For the Respondent/s : Mr. Syd. Md. Najmul Bani, AC to SC 20

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 08-09-2017 This application has been filed for restoration of M.J.C. No.4049 of 2012 which was dismissed for want of prosecution.

Keeping in view the reasons indicated in the application and finding them to be *bona fide*, the same is allowed. M.J.C. No.4049 of 2012 is restored to its original file.

The same be placed for orders before the appropriate Bench.

M.J.C. No.4049 of 2012

This application has been restored in view of the order passed today in M.J.C. No.3194 of 2013. This application had been filed for restoration of C.W.J.C. No.22918 of 2011 which has been dismissed for want of prosecution on 1.5.2012.



Keeping in view the reasons indicated in the application and finding them to be *bona fide*, the same is allowed. C.W.J.C. No.22918 of 2011 is restored to its original file.

C.W.J.C. No.22918 of 2011

The writ petition has been restored today by virtue of the order passed in M.J.C. No.3194 of 2013 and 4049 of 2012.

Looking to the short question involved in the application, the application is taken up for hearing. The writ petition was filed in the year 2011. At that point of time, it was the case of the petitioner that certification proceedings under Section 7 of the Public Demand Recovery Act has been initiated against the petitioner and the petitioner wants quashing of the demands raised in the proceedings. The writ petition was filed on 20th of December, 2011. No notices were issued and it was dismissed for want of prosecution on 1.5.2012.

Now, since more than five years have passed, it is not known what has happened to the recovery proceedings. That being so, interest of justice would be met if the liberty is granted to the petitioner to raise appropriate objection under



the Public Demand Recovery Act with the competent statutory authority and the authority shall, if not already decided, decide the matter in accordance with law after considering the objection of the petitioner.

In case certificate proceedings have attained finality, petitioner shall have liberty to challenge the same afresh in accordance with law and raise the grounds made in this application while challenging the same.

With the aforesaid observation and liberty, this application is disposed of.

(Rajendra Menon, CJ)

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