

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12589 of 2017

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Akshaya Kumar Singh, Son of late Hari Nandan Singh, Resident of Village-
Devapur, P.S.- Barouli, District-Gopalganj.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Bihar, Patna.
3. District Magistrate-cum-Certificate Officer, Siwan
4. Child Development Project Officer, Barharia, District-Siwan.
5. District Programme Officer, Siwan

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate

For the Respondents : Mr. Gyan Prakash Ojha, GA7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-11-2017

The present writ petition has been filed for quashing the impugned notice dated 10.08.2017 passed by the District Magistrate-cum-Certificate Officer, Siwan in Certificate Case No. 12 of 2013-14 (Misc.) (Annexure-4) whereby and whereunder for non-payment of the alleged certificate amount of Rs. 11,23,000/-, a warrant of arrest has been issued by the Certificate Officer; and for connected reliefs.

2. Learned counsel for the petitioner submits that warrant of arrest has been arbitrarily issued in terms of the impugned notice dated 10.08.2017 without first disposing of the objection petition filed by the petitioner on 19.08.2014 under Section 9 of the Bihar Public Demands Recovery Act, 1914 (hereinafter referred to as 'the PDR Act').

3. Despite orders dated 15.09.2017 and 16.10.2017



granting time to the State, no counter affidavit till date has been filed.

4. In the above view of the matter, the District Magistrate-cum-Certificate Officer, Siwan is directed to consider and dispose of the petitioner’s objection said to have been filed on 19.08.2014 under Section 9 of the Act on its own merist and in accordance with law.

5. Until the objection petition is disposed of, no coercive action shall be taken against the petitioner in connection with Certificate Case No. 12 of 2013-14 (Misc.) pending in the court of the Certificate Officer, Siwan.

6. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.11.2017
Transmission Date	N.A.

