

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

**Civil Writ Jurisdiction Case No.6682 of 2018**

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1. Brij Bihari Singh Son of Ramadhar Singh Resident of Village-Chausa, P.S. Buxar (Muffasil), District-Buxar.
  2. Nazma Khatoon, Wife of Asharaf Hussain, Resident of Village-Chausa, P.S. Buxar (Muffasil), District-Buxar.
  3. Dharendra Kumar Sanik, Son of Late Shambhu Prasad, Resident of Village-Nayi Bazar, P.S. Buxar (Muffasil), District-Buxar.
  4. Sunita Devi Wife of Bishnu Singh Yadav, Resident of Village-Akhaunpur Gola, P.S. Buxar (Muffasil), District-Buxar.
  5. Shailendra Kumar Choubey, Son of Late Ramyash Choubey, Resident of Village-Bhauser, P.O. Shaisar, P.S. Dinara, District-Rohtas.
  6. Siya Ram Choudhary Son of Late Nageshwar Prasad Choudhary, Resident of Village-Narbatpur, P.S. Buxar (Muffasil), District-Buxar.
  7. Om Prakash Pandey, Son of Late Ram Nath Pandey, Resident of Village-Brahmpur, P.S.-Buxar (Muffasil), District-Buxar.
  8. Ram Niwas Singh Son of Late Sheo Puja Singh, Resident of Village-Sonpa Gram Panchayat, Jalapur PS Rajpur, District-Buxar.
  9. Shubhash Prasad Gupta, Son of Bishwanath Sah, Resident of Village-Etadhi, PS Etadhi, District Buxar, Panchayat Sewak Village Sareja.
  10. Usha Devi Wife of Amala Ram, Resident of Village-Gauri PS Rajpur, District-Buxar.

.... .... Petitioners

Versus

1. The State of Bihar, through the District Magistrate, Buxar,
2. The District Transport Officer-Cum-District Certificate Officer, Buxar.
3. The Director, Account, Administration and Self-Employment, District Rural Development Officer, Chausa, District-Buxar.
4. The Block Development Officer, Chausa, District-Buxar.

.... .... Respondents

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**Appearance :**

For the Petitioners : Mr. Sunil Kumar Yadav, Advocate

For the Respondents : Mr. Sanjay Prasad, AC to AAG4

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

**ORAL JUDGMENT**

**Date: 08-05-2018**

Heard learned counsel for the petitioners as well as  
learned counsel for the respondents.

2. The present writ petition has been filed for the  
following reliefs –



*“(i) For quashing of the certificate notice dated 19.12.2016/19.1.17 issued by the district Certificate Officer, Buxar whereby and whereunder the petitioners have been directed to deposit the certificate amount in their respective certificate case Nos. 1/2016-17, 2/2016-17, 3/2016-17, 4/2016-17, 5/2016-17 and 6/2016-17 which is perverse in view of the fact that the petitioners installed solar lights at Gram Panchayat Chausa, Chuni, Bavarpur, Jalilpur, Sareja and Polia in Buxar under Dewadsh Vitya Ayog in the financial year 2006-07 and now after ten years it is alleged that it is not functioning due to discharge of battery and other reasons which itself shows that petitioners have neither committed financial irregularity nor embezzled the Govt. property and as such the impugned notices dated 19.12.2016 and 19.1.17 are fit to be quashed.*

*(ii) For grant such other relief (s) for which the petitioners are found to be entitled in the facts and circumstances of the case.”*

3. It is submitted on behalf of the petitioners that the entire proceedings in certificate case No. 1/2016-17, 2/2016-17, 3/2016-17, 4/2016-17, 5/2016-17 and 6/2016-17 against the petitioners 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.19,79,920/-, Rs. 12,92,800/-, Rs. 7,22,500/-, Rs. 12,76,000/- 2,92,000/- and Rs. 7,05,000/-, respectively, are wholly illegal and liable to be quashed.



4. Learned counsel for the respondents submits that the petitioners do not appear to have filed any petition under Section 9 of the Act denying their liability, and as such there is no illegality in the action of the Respondents.

5. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioners to file their petitions under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer on their own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

6. The writ petition stands disposed of.

**(Vikash Jain, J)**

B.T/Chandran

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