

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 4856 of 2018

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Ram Binay Kamat, Son of Late Deo Narain Kamat, Resident of Village-
Bathnaha, Police Station- Phulparas, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Collector-cum-District Certificate Officer, Madhubani.
3. The Block Development Officer, Ghoghardiha, District- Madhubani.
4. The Circle Officer, Ghoghardiha, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Adv

For the Respondent/s : Mr. VINAY KRITI SINGH -GA2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-05-2018

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar State Food Corporation.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 12/2016-17 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. 4,92,308/-are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner in this case is that the Certificate Officer is threatening to auction the immovable property of the petitioner for effecting recovery of the outstanding amount of Rs. 4,92,308/- recoverable in terms of the notice dated 12.09.2016 issued by the District Certificate Officer, Madhubani in Certificate Case No. 12/2016-17.

4. It is further submitted that an objection petition under Section 9 has already been filed which is pending before the Certificate Officer



but without disposing of the same, the warrant of arrest has been issued.

5. With the consent of parties, the present writ petition is disposed of with direction to the District Certificate Officer, Madhubani to consider and dispose of the objection petition under Section 9 of the PDR 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 petition, if filed, the Certificate Officer, Madhubani shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 12/2016-17.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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