

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2370 of 2018

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Chandra Bhushan Sharan @ Chandra Bhushan Sharma, Son of late Shiv Sharan Prasad, resident of Village- Bangpur, P.S.- Parwalpur, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Transport Department Govt. of Bihar.
2. The Commissioner Road Transport Department, Bihar, Patna.
3. The Joint Commissioner cum Secretary Regional Transport Authority cum Certificate Officer, Patna Division, Patna.
4. The District Transport officer, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Adv

For the Respondent/s : Mr. CHITTARANJAN SINHA-PAAG2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-05-2018

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

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 203/2013-14 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. 1,16,400/- are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner in this case is that a warrant of arrest has been issued against him in connection with the dues amounting to Rs. 1,16,400/- recoverable in terms of the letter dated 09.10.2017 issued by the Joint Commissioner-cum-Secretary, Regional Transport Authority-cum-Certificate Officer, Patna Division, Patna in Certificate Case No. 203/2013-14.

4. It is further submitted that an objection petition under Section



9 has already been filed which is pending before the Joint Commissioner-cum-Secretary, Regional Transport Authority-cum-Certificate Officer, Patna Division, Patna 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 Joint Commissioner-cum-Secretary, Regional Transport Authority-cum-Certificate Officer, Patna Division, Patna 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 Joint Commissioner-cum-Secretary, Regional Transport Authority-cum-Certificate Officer, Patna Division, Patna shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 203/2013-14.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2018
Transmission Date	NA

