

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14092 of 2017

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Ramesh Prasad Chaurasia @ Ramesh Prasad, Son of Bhagawan Bhagat
Resident of Village- Nayatola, Chausia, Police Station-Govindchak District-
Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, District Saran at Chapra.
2. District Magistrate, District Saran at Chapra.
3. The District Certificate Officer, Chapra, District -Saran at Chapra.
4. Sub-Divisional Officer, Marhauraha, District- Saran at Chapra.
5. Block Development Officer, Masharakh , District- Saran at Chapra.

.... Respondents

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Appearance :

For the Petitioner : Mr. Choudhary Shyam Nandan, Advocate

For the Respondents : Mr. K.P.Gupta -GP10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-04-2018

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

2. The present writ petition has been filed for quashing the
Certificate Case No. 05 of 2016-17 pending before District Certificate
officer, Saran at Chapra; for quashing the notice dated 28.08.2017
(Annexure-7) issued under the signature of Respondent No. 3 directing
the petitioner to appear before him on 04.09.2017 and file his show
cause as to why he should not be sent to civil custody in jail as he has
not paid the dues of Rs. 13,91,453/-; and for further direction to the
respondents not to take any coercive action against the petitioner till
disposal of the objection petition filed under Section 9 of the Bihar and



Orissa Public Demand Recovery Act, 1914 (for short, "PDR Act").

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 05/2016-17 against the petitioner in terms of Section 7 of the PDR Act for recovery of the dues amounting to Rs. 13,91,453/- are wholly illegal and liable to be quashed.

4. 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. 13,91,453/- recoverable in terms of the notice dated 28.08.2017 issued by the District Certificate Officer, Saran at Chapra in Certificate Case No. 05/2016-17.

5. It is further submitted that an objection petition under Section 9 has already been filed which is pending before the District Certificate Officer but without disposing of the same, the warrant of arrest has been issued.

6. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his objection petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the District Certificate Officer, Saran at Chapra on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

7. It is made clear that until disposal of such petition, if filed, the District Certificate Officer, Saran at Chapra, shall not resort to any



coercive action for recovery of the dues against the petitioner in
Certificate Case No. 05/2016-17.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.04.2018
Transmission Date	N.A.

