

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11799 of 2015

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Abhay Kumar Tiwari Son of Sri Brij Nandan Tiwari Resident of Brahampur
Chaurasta, P.S. - Brahampur, District - Buxar.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna, Old Secretariate Patna.
 2. Certificate Officer, Dumraon,
 3. Gunjan Singh, Son of Hira Singh, Resident of village Chilhari, P.S. - Dumraon, District - Buxar.
 4. Mostt. Janki Devi, W/o Late Arun Kamal Singh,
 5. Kamlesh Kumar Singh, Son of Late Arun Kamal Singh,
 6. Kumari Sweta D/o Late Arun Kamal Singh,
 7. Amit Kumar Singh, Son of Late Arun Kamal Singh,
- Respondent Nos. 4 to 7 are resident of village Purana Bhojpur, P.S. - Dumraon, District - Buxar.
8. D.T.O., Buxar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shiopujan Singh
Mr. Mukesh Kumar Singh, Advocates
For Respondent-State : Mr. Mahendra Pd. Verma, AC to SC 20

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-08-2018

The present writ petition has been filed for a direction to the respondents not to recover the amount of Rs. 50,000/- from the petitioner which is recoverable from respondent no. 3 in Certificate Case No. 01/2006-07 which is the awarded amount in M.V. Claim Case No. 17 of 2004.

2. Learned counsel for the petitioner submits that an



objection petition under Section 9 of the Bihar & Orissa Public Demand Recovery Act (for short, "the PDR Act ") has been filed denying his liability but the Certificate Officer has not taken any action thereon.

3. Learned counsel for the respondents refers to the counter affidavit to submit that the Certificate Officer is not the competent authority to decide the issue. However, he is not able to explain what prevented the Certificate Officer from passing an order under Section 10 of the PDR Act disposing of the petitioner's objection petition.

4. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds merit in the writ petition. Whatever the nature of the dispute, the statutory role of the Certificate officer is to consider and dispose of the objection petition preferred by the petitioner under Section 9 of the PDR Act by passing an appropriate order under Section 10 of the Act which has clearly not been done in the instant case.

5. In the above view of the matter, this Court directs the Certificate Officer, Dumraon (respondent no. 2) to consider and dispose of the petitioner's objection petition under Section 9 of the PDR Act on its own merits and in accordance with law.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Dumraon shall refrain from resorting to



any coercive action for recovery of the dues against the petitioner in
Certificate Case No. 01/2006-07.

7. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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