

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16508 of 2013

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Lalan Singh Son of Late Dinesh Singh Resident Of Village- Ejari Pipra, P.O.
Salempur, P.S.- Arrah Muffasil, District- Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Revenue, Govt. Of Bihar, Patna
2. The Collector, Bhojpur At Arrah
3. The Additional Collector, Bhojpur At Arrah
4. The Incharge Officer, Revenue Branch Collectariate Bhojpur At Arrah
5. The District Nazarat Officer, Bhojpur At Arrah
6. The Circle Officer, Bihiya, District- Bhojpur
7. The District Certificate Officer, Bhojpur At Arrah

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. RAJIV ROY

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-08-2018

The present writ petition has been filed for quashing the entire proceedings in Certificate Case No. 7/2012-13 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. 1,56,550/- are wholly illegal and liable to be quashed.

2. None appears on behalf of the petitioner despite repeated calls. Learned counsel for the respondent appears.

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. 1,56,550/- recoverable in terms of the notice dated 04.10.2012 issued by the District Certificate Officer, Bhojpur at Ara in Certificate Case No. 07/2012-13.



4. A perusal of para 8 and 9 of the writ petition discloses 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. In the above view of the matter, the present writ petition is disposed of with direction to the District Certificate Officer, Bhojpur at Ara to consider and dispose of the objection petition under Section 9 of the PDR Act said to have been filed by the petitioner, if not already disposed of, 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 shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 07/2012-13.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

