

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19399 of 2013

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Raj Kumar Yadav Son Of Sundar Yadav Resident Of Village- Matadih, P.S.-
Dharhara, District- Munger

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Development Commissioner, Munger
3. The District Magistrate, Munger
4. The Block Development Officer Block- Dharhara Cum Executive Officer,
Panchayat Samiti, Dharhara, District- Munger
5. The Certificate Officer, Munger
6. The Panchayat Secretary, Dharhara Gram Panchayat, P.S.- Dharhara, District-
Munger
7. The Mukhiya, Dharhara Gram Panchayat, P.S.- Dharhara, District- Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. SUSHMITA MISHRA

For the Respondent/s : Mr. ROY SHIVAJI NATH

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-08-2018

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. 22/2011-12 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.
13,70,000/- 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.13,70,000/- recoverable in terms of the notice
dated 27.06.2012 issued by the District Certificate Officer, Munger in
Certificate Case No. 22/2011-12.



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 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, Munger shall refrain from resortng to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 22/2011-12.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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