

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22735 of 2013

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Raj Kumar Mahto, S/O Late Ramrup Lal Mahto, Resident Of Village- Shahpur,
P.O.- Shahpur, Majhaul, P.S.- Nauhatta, District- Saharsa

.... Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Bihar, Patna
3. Commissioner, Kosi Division, Saharsa
4. Collector, Saharsa
5. District Certificate Officer cum Addl. Collector Saharsa
6. Anchal Adhikari, Salkhua, District- Saharsa

.... Respondents

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Appearance :

For the Petitioner : Ms. Mallika Mazumdar, Advocate

For the Respondents : Mr. Kuber Pathak, AC to SC 14

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-08-2018

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

2. The writ petition has been filed for quashing the notice
(Annexure-2) issued by the Certificate Officer-cum-Additional
Collector bearing D.B. No. 70 dated 12.12.2011 in Certificate Case No.
01/2011-12 for deducting amount of Rs. 11,50,000/- given to the
petitioner's father.

3. It is submitted on behalf of the petitioner that the
entire proceedings in Certificate Case No. 01/2011-12 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. 11,50,350/- are wholly illegal and liable to be quashed.

4. Learned counsel for the respondents submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the Respondents.

5. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his 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, Saharsa 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.

6. It is made clear that until disposal of such petition, if filed, the District Certificate Officer, Saharsa shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01/2011-12.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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