

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.14204 of 2015**

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M/s Santosh Printing Press through its authorized representative Santosh Kumar Jha, son of Sri Bhagwan Lal Jha, resident of village Sangi, P.S. Phulparas, District Madhubani, Bihar.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar
2. The Secretary, Department of Disaster Management, Government of Bihar, Patna.
3. The Additional District Magistrate-cum-Certificate Officer, Patna, Bihar.
4. The District Magistrate, Patna, Bihar
5. Union of India, through Assistant Director, Ministry of Home Affairs, Department of Disaster Management, Division I, Government of India, New Delhi.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Dayal, Adv  
For the State : Mr. Manoj Kumar Sinha, AC to GA 9  
For the UOI : Dr. Anshuman Singh, CGC.

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 11-09-2018**

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. 04 of 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. 50,46,200/-are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner is that a notice contained in memo no. 242 dated 26.06.2015 has been issued threatening issuance *kurki-japti* process in connection with the dues amounting to Rs. 50,46,200/- recoverable in terms of Certificate Case No. 04 of 2011-12.



4. Learned counsel for the respondents appears and has been heard.

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 PDR Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer 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 Additional District Magistrate-cum-Certificate Officer, Patna shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 04 of 2011-12.

**(Vikash Jain, J)**

Chandran/BT

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| AFR/NAFR          | NAFR       |
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