

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18177 of 2015

- =====
1. Ravindra Kumar, Son of Late Ram Prasad Ram, Resident of Village- Jaganpura, P.O.- Dhelwan, P.S.- Gaurichak, District- Patna.
 2. Rajan Kumar, Son of Tej Narayan Gupta, Resident of Village- Pul Road Mahua, P.S. Mahua, District- Vaishali at Hajipur.

.... Petitioners

Versus

1. The State of Bihar through Secretary Rural Development Department, Government of Bihar, Patna.
2. The District Magistrate, Vaishali at Hajipur.
3. The Deputy Development Commissioner, Vaishali at Hajipur.
4. The District Programme Officer, Vaishali at Hajipur.
5. The Block Programme Officer, Mahua, Vaishali at Hajipur.
6. The District Certificate Officer, Vaishali at Hajipur.
7. The Sub-Divisional Officer, Mahua, Vaishali at Hajipur.

.... Respondents

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Appearance :

For the Petitioners : Mr. Shakil Ahmad Khan, Advocate.
For the Respondents : Mr. J.P. Karan, AAG-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-09-2018

Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs –

*“(a) For quashing the order/certificate case contained in
Annexure-1 to this writ application.*

*(b) For issuance of an appropriate writ/writs, order/orders,
direction/directions commanding the respondents not to
recover/release the whole expense upon the various scheme
of MANREGA Plantation in Gram Panchayat Gauspur Chak*



Mojahid Block Mahua, Vaishali at Hajipur in the year 2009-10.

(C) For a direction to the respondents to drop the proceeding of Certificate Case No. 01/2014-15 against the petitioners.

(d) For any other relief/reliefs as your Lordships may deem fit and proper in the facts and circumstances of this case."

3. It is submitted on behalf of the petitioners that the entire proceedings in Certificate Case No. 01//2014-15 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, "the PDR Act") for recovery of the dues amounting to Rs. 1,61,174/- 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 petitioners to file their petition under Section 9 of the 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 within the stipulated period, the District Certificate Officer, Vaishali at Hajipur shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01/2014-15.

7. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.10.2018
Transmission Date	N.A.

