

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23742 of 2013

=====

Manoj Kumar Soni @ Mantu Soni @ Manoj Kumar Son Of Ashok Kumar Gupta
Resident Of Mohalla- Gurudwara More, Keshopur, P.S.- Jamalpur District-
Munger presently residing at Sonapatti, Sadar Bazar, R. Jewellers, P.S.-
Jamalpur, District- Munger

.... Petitioner

Versus

1. The State Of Bihar
2. The Certificate Officer, Munger
3. The Inspector General of Police, Bihar Patna
4. The Deputy Inspector General of Police, Munger Division, Munger
5. The Superintendent of Police, Munger
6. Deputy Superintendent of Police, Munger
7. The Station-In-Charge, Jamalpur Police Station, Jamalpur, Munger

.... Respondents

=====

Appearance :

For the Petitioner : None

For the Respondents : Mr. Manoj Kr. Yadav, AC to GA 10

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-08-2018

The present writ petition has been filed for quashing the Demand Notice dated 24.09.2013 (Annexure-1) issued under the signature of respondent no. 5, the Certificate Officer, Munger under section 7 of the Bihar & Orissa Public Demand Recovery Act (for short, "PDR Act") in Certificate Case No. 04/2013-14.

2. None appears on behalf of the petitioner despite repeated calls.

3. A perusal of paragraph 16 of the writ petition discloses that the validity of the certificate proceeding has been challenged on the ground that a copy of the certificate issued under Section 6 of the PDR Act has not been served upon the petitioner even though it has been



mentioned in the impugned notice dated 24.09.2013 that a copy of the certificate was being attached.

4. No counter affidavit has been filed on behalf of the respondents controverting the stand of the petitioner. Learned counsel for the respondents appears but is not able to point out any material to show otherwise.

5. Having regard to the pleadings of the parties, this Court finds merit in the writ petition. A categorical stand of the petitioner that a copy of the certificate was not enclosed with the notice under Section 7 of the PDR Act has not been denied by the respondents. Such requirement goes to the root of the matter and failure in this regard vitiates the entire certificate proceeding and calls in question the very jurisdiction of the Certificate Officer to proceed without service of notice on the petitioner in the prescribed manner.

6. The writ petition is accordingly allowed. The impugned demand notice dated 24.09.2013 issued under Section 7 of the PDR Act by the Certificate Officer in Certificate Case No. 04/2013-14 (Ammexire-1) is hereby quashed and the matter is remanded to the Certificate Officer, Munger (respondent no. 2) to issue fresh notice under Section 7 of the PDR Act in accordance with law.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.09.2018
Transmission Date	N.A.

