

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12580 of 2015

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Md. Jahangir S/o Late Bhustu, resident of village - Paharpur, P.S. Amdabad,
District- Katihar

.... Petitioner

Versus

1. The State of Bihar
2. The Divisional Commissioner, Purnea Division, Purnea
3. The Collector-cum-District Magistrate, Katihar
4. The Additional Collector, Katihar
5. The Sub-Divisional Officer, Manihari, District- Katihar
6. The Circle Officer, Manihari, District- Katihar
7. The Circle Officer, Amdabad, District- Katihar
8. The District Certificate Officer, Katihar

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate

For the Respondents : Mr. Krishna Chandra Jha, AC to AAG 14

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-08-2018

Heard learned counsel for the petitioner and learned counsel
for the respondent-State.

2. The present writ petition has been filed for quashing the notice dated 19.09.2014 issued by the District Certificate Officer, Katihar as well as the Certificate Case No. 01/2014-15 initiated for recovery of Rs. 11,10,173/- due against the petitioner.

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 01/2014-15 initiated 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. 11,10,173/- 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, Katihar (respondent no. 8) 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, Katihar shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01/2014-15.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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