

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12027 of 2015

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Raj Kishore Singh, son of Sri Awadh Narayan Singh, Resident of village - Lagma,
P.O. Jahangirpur Lagma, P.S. Singhiya, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur, District- Vaishali at Hajipur.
4. The Deputy Development Commissioner, Vaishali at Hajipur, District- Vaishali at Hajipur.
5. The District Certificate Officer, Vaishali at Hajipur, District- Vaishali at Hajipur.
6. The Programme Officer, Bidupur Block, District- Vaishali at Hajipur.

.... Respondents

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Appearance :

For the Petitioner : Mrs. Anita Kumari, Advocate.

For the Respondents : Mr. Partha Sarthi, GA-11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-07-2018

I.A. No. 4498 of 2018

This interlocutory application has been filed for
amendment in the writ petition by adding the following prayer –

“(A) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the notice dated 30.05.2018 issued by the respondent no. 5 in Certificate Case No. 24 of 2015-16, whereby and whereunder petitioner has been put on the last notice before the arrest and he has been directed to deposit the certificate amount with interest on 11.07.2018.”

2. Having regard to the nature of the prayer, the
interlocutory application is allowed and the same shall be treated as



forming part of the writ petition.

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3. The main writ petition has been filed for the following reliefs –

“(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter dated 27.01.2015 issued under the signature of respondent no. 4 and contained in his letter no. 219 dated 27.01.2015, whereby and whereunder the respondent no. 4 has been pleased to direct the respondent no. 6 to file certificate case against the petitioner and others within 48 hours for recovery of the amounts involved in different development schemes of Nava Nagar Panchayat under Bidupur Block.

(II) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter no. 54 dated 17.04.2015 issued by the respondent no. 6 and addressed to respondent no. 5 for institution of a certificate case against the petitioner for recovery of the amount involved in the requisition i.e. Rs. 16,78,927/- including for quashing the requisition also filed by the respondent no. 6 before the respondent no. 5 for the alleged recovery.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

4. Learned counsel for the petitioner submits that the impugned notice dated 30.05.2018 has been issued granting an opportunity for making payment of the dues prior to warrant of attachment of arrest issued, without however considering and



disposing of the petitioner’s objection petition filed under Section 9 of the PDR Act as far back as on 01.09.2015 itself (Annexure-P-12).

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

6. With the consent of parties, the present writ petition is disposed of, with a direction to the Certificate Officer to consider and dispose of the petition said to have been filed under Section 9 of the Act on its own merits, if not already so one, within a period of four weeks hereof in accordance with law and in terms of Section 10 of the said Act.

7. It is made clear that until disposal of such petition, the Certificate Officer, Vaishali at Hajipur, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 24/2015-16.

8. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.07.2018
Transmission Date	N.A.

