

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12634 of 2015

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Naresh Das, Son of Jageshwar Das, Resident of Village - Fatehpur, P.O. - Jamalpur, P.S. - Gogari, District - Khagaria, at Present posted as Panchayat Secretary, Block - Allauli, District - Khagaria.

.... Petitioner

Versus

1. The State of Bihar
2. The Divisional Commissioner, Munger Division, Munger.
3. The Deputy Development Commissioner, Khagaria.
4. The Block Development Officer, Baldaur Block, District - Khagaria.
5. The Certificate Officer, Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate

For the Respondents : Mr. Anirban Kundu, SC 24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-09-2018

The present writ petition has been filed for the following

reliefs –

“(i) A certiorari setting aside the Certificate Case No. 2/2013-14 started against the petitioner by the respondent Certificate Officer for an alleged recovery of Rs. 4,61,000/- at the recommendation of respondent B.D.O. in arbitrary and illegal manner.

(ii) A mandamus commanding and directing the respondents concerned to exonerate the petitioner of any obligation for the amount in question, as the petitioner has completed the work allotted to him to the satisfaction of authorities concerned for which even final M.B. had also been prepared and the petitioner



long back had been transferred from Chautham Block to Allauli Block.

(iii) Any other relief/reliefs, writ/writs, order/orders, direction/directions, for which the petitioner is found to be entitled in the facts and circumstances of the case.”

2. Learned counsel for the petitioner submits that pursuant to the notice issued under Section 7 of the Bihar & Orissa Public Demand Recovery Act (in short, “PDR Act”), a demand has straightway been raised and the petitioner has been directed to make payment of Rs. 4,61,000/- without grant of any opportunity of filing an objection petition under Section 9 of the PDR Act.

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

4. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his objection 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, Khagaria (respondent no. 5) 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.

5. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Khagaria shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in



Certificate Case No. 02/2013-14.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.09.2018
Transmission Date	N.A.

