

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11317 of 2013

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Brij Nandan Yadav @ Brij Nandan Kumar, Son Of Ravindra Prasad, Resident Of
Village- Pathara English, P.S. Muffasil, District Nawada

.... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Nawada
3. The Deputy Development Commissioner, Nawada
4. The Chairman, Zila Parishad, Nawada
5. The Executive Officer, Zila Parishad, Nawada
6. The Certificate Officer, Nawada

.... Respondents

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Appearance :

For the Petitioner : Mr. S.K. Thakur,
Mr. Sheo Kumar Prasad, Advocates
For the Respondents : Mr. Anil Kr. Singh, GP 26

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-08-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondents.

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

“(i) For issuance of writ in the nature of certiorari quashing of the order dated 14.6.2012 passed by the Certificate Officer, Nawada in Certificate Case No. 02/2006-07 whereby and where under the respondent Certificate Officer has dismissed the objection filed by the petitioner and has directed to issue bailable warrant without considering that the petitioner has already filed an application that he has not in a position to collect the Tax of the Bus Stand and possession has not been given over the same.

(ii) And for any other relief/reliefs for which the



petitioner is found to be entitled in the eye of law.”

3. At the very outset, this Court takes note that the impugned order has been passed disposing of the objection petition filed under Section 9 of the PDR Act against which the petitioner has statutory remedy under Section 60 of the PDR Act by way of filing appeal.

4. In the above view of the matter, this Court is not inclined to enter into the merits of the matter. The writ petition stands disposed of granting liberty to the petitioner to prefer an appeal against the impugned order dated 14.6.2012 passed by the Certificate Officer, Nawada in Certificate Case No. 02/2006-07, if so advised, in terms of the provisions of the PDR Act which, if filed, should be considered and disposed of on its own merits and in accordance with law.

5. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condonation of delay, if applicable.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
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