

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21121 of 2013

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Bina Devi wife of Ashok Pradhan, Resident Of Village:- Barbanna, Raniganj,
Ward No. 7, P.S. Raniganj, District- Araria

.... Petitioner

Versus

1. The State Of Bihar
2. The Zila Parishad Araria Through Its Deputy Development Commissioner-
Cum-Chief Executive Officer, Zila Parishad Araria
3. The Deputy Development Commissioner-Cum-Chief Executive Officer, Zila
Parishad, Araria
4. The Additional Chief Executive Officer, Zila Parishad, Araria
5. The Block Development Officer, Raniganj, Araria
6. The Certificate Officer, Araria

.... Respondents

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Appearance :

For the Petitioner : Mr. Mrigendra Kumar, Advocate
For the State : Mr. Jay Prakash Sharma, AC to GP-21
For the Zila Parishad : Mr. Dinesh Maharaj, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-08-2018

The present writ petition has been filed for quashing the notice issued under Section 9 of the Public Demand Recovery Act passed by the respondent no. 6 (Annexure-6).

2. Learned counsel for the petitioner submits that prayer for quashing the impugned notice dated 16.09.2013 (Annexure-6) need not be pressed if liberty is granted to the petitioner to respond to the same and raise objection with regard to her liability.

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

4. A perusal of the impugned notice under Section 9 of the PDR Act discloses that a notice under Section 7 of the said Act had earlier been issued to the petitioner but the petitioner had not appeared before the Certificate Officer. It would appear that the



instant notice has been given as a matter of indulgence to enable the petitioner to appear and file her objection petition, even though Section 9 of the Act does not *per se* contemplate issuance of any separate notice thereunder.

5. Be that as it may and having regard to the stand of the petitioner, the writ petition is disposed of granting liberty to the petitioner to file her objection petition under Section 9 of the Act within a period of four weeks from today, which, if done, shall be disposed of by the Certificate Officer 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 Certificate Officer, Araria shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 33/2011-12.

7. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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