

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5903 of 2015

=====

Om Prakash Jaiswal son of Bindeshwari Pd. Jaiswal resident of village + P.O. -
Suktia, P.S. - Gopalpur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Development Commissioner, District- Bhagalpur.
3. The District Magistrate, Bhagalpur, District - Bhagalpur.
4. The Block Development Officer-cum-Program Officer, Block - Gopalpur,
District- Bhagalpur.
5. The Panchayat Secretary Gopalpur, P.S.- Gopalpur, District- Bhagalpur.
6. The Mukhiya , Suktia Bazar , Block + P.S.- Gopalpur, District- Bhagalpur.
7. The District Certificate Officer, Bhagalpur, Dist. - Bhagalpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Adv

For the Respondent/s : Mr. Rakesh Kumar Srivastava, AC to GP15

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-09-2018

Heard learned counsel for the petitioner and learned counsel for
the respondents.

2. It is submitted on behalf of the petitioner that the entire
proceedings in Certificate Case No. 10/2010-11 against the petitioner
in terms of Section 7 of the Bihar & Orissa Public Demands Recovery
Act (for short, "the PDR Act") for recovery of the dues amounting to Rs.
2,56,831.51 are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner is that a demand
notice has been issued informing that *kurki-japti* process may be issued
against him in connection with the dues amounting to Rs. 2,56,831.51
recoverable in terms of the notice dated 16.12.2014 issued by the
District Certificate Officer, Bhagalpur in Certificate Case No. 10/2010-
11.



4. Learned counsel for the petitioner at the outset itself states that pursuant to the orders of this Court, the Enquiry Commission headed by Hon’ble Mr. Justice Udai Sinha (Retired) has now submitted its report and any further action in relation to recovery of the value of undistributed rice under the SGRY Scheme would abide by the decision of the State Government to be taken on the basis of such report.

5. Learned counsel for the petitioner states on instruction that an objection petition under Section 9 of the PDR Act has already been filed before the Certificate Officer, which however, remains pending.

6. With the consent of parties, the present writ petition is disposed of with direction to the District Certificate Officer to consider and dispose of the objection petition under Section 9 of the PDR Act said to have been filed by the petitioner, on its own merits in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

7. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Bhagalpur shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 10/2010-11.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2018
Transmission Date	NA

