

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10950 of 2013**

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Balmiki Sharma S/o Late Swaroop Sharma resident of Keshnath P.S. -  
Navanagar, District - Buxar

.... .... Petitioner

Versus

1. The State of Bihar
2. The Secretary Department of Food and Civil Supply, Government of Bihar,  
Patna
3. Dy. Development Commissioner cum Chief Executive Officer Buxar
4. The Block Development Officer, Navanagar, Buxar
5. The Block Supply Officer, Navanagar, Buxar
6. The Certificate Officer-Cum-Senior Deputy Collector, Buxar

.... .... Respondents

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**Appearance :**

For the Petitioner : Mrs. Mira Kumari, Advocate

For the Respondents : Mr. Shambhu Nath, AC to AAG 3

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 13-09-2018**

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 –

*“(A) For, issuance of writ of certiorari for quashing the  
letter dated 4/9/2012 issued from the office of the  
respondent No.- 4 Block Development Officer,  
Navanagar, Buxar, whereby and where under the  
respondent B.D.O. has asked the petitioner to show cause  
on 12/9/2012 (Annexure-3).*

*(B) For, a direction to the respondent B.D.O. and to the  
certificate officer not to proceed further in certificate  
case no. 03/2011-2012, unless the account for the lifted*



*grains under S.G.R.Y. in the year 2002-06 is finalized after giving the petitioner opportunity to account the same in the presence of Block Development Officer.*

*(C) For any other relief/reliefs to which the petitioner maybe found entitled in the facts and circumstances of the case.”*

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 03/2011-12 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. 58,910/- are wholly illegal and liable to be quashed.

4. Learned counsel for the respondents submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the respondents.

5. In view of the submission of learned counsel for the petitioner that inasmuch as recovery proceedings in Certificate Case No. 03/2011-12 have already been initiated against the petitioner, he is at liberty to file objection petition under Section 9 of the PDR Act.

6. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his 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, Buxar (respondent



no. 6) 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.

7. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Buxar shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 03/2011-12.

**(Vikash Jain, J)**

B.T/Chandran

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