

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13224 of 2016

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Nagendra Pandit Son of Ramashish Pandit resident of village + Panchayat
Imayatpur, P.O. Pashtara, P.S. Baligaon, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj
Department, Bihar, Patna
2. The Director, Panchayati Raj Department, Bihar, Patna
3. The District Panchayati Raj Officer, Vaishali, Hajipur
4. The Collector, Vaishali, District Hajipur
5. The Certificate Officer - cum - Additional Collector, District Vaishali
6. The Deputy Development Commissioner, Vaishali at Hajipur
7. The Sub - Divisional officer, Mahnar, Vaishali
8. The Deputy Collector Land Reforms, Mahnar, Vaishali
9. The Block Development officer - Cum - Executive officer, Panchayat Samiti,
Prakhand Deshri, Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan
For the Respondent/s : Mr. Kumar Alok, SC-7

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-12-2018 After some argument, the learned counsel for the

petitioner seeks to withdraw the present writ petition with

liberty to file objection under Section 9 of the Bihar & Orissa

Public Demand Recovery Act, 1914 in the ongoing Certificate

Case, pending before the Certificate Officer, Vaishali at Hajipur.

At this juncture, the learned counsel for the petitioner

has also raised an issue to the effect that the notice issued to the

petitioner under Section 4 of the Bihar & Orissa Public Demand

Recovery Act, 1914, itself is not valid inasmuch as before

initiation of any proceeding against a public representative,



show cause is necessary, which has not been given in the present case, hence it is prayed that the Certificate Officer may also decide the said issue while disposing of the objection.

Having regard to the submissions made by the learned counsel for the petitioner, the present writ petition is disposed of as withdrawn with liberty to the petitioner to file an objection under Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1914 whereafter the Certificate Officer shall pass the final order under Section 10 of the Bihar & Orissa Public Demand Recovery Act, 1914, considering the aforesaid issue raised by the petitioner herein as also the judgment rendered by this Court, reported in *2016(3) PLJR 898 (Dilip Kumar Singh vs. State of Bihar & ors.)*.

Till the passing of the final order by the Certificate Officer, it is directed that no coercive steps shall be taken against the petitioner herein.

(Mohit Kumar Shah, J)

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