

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1078 of 2017

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Lalit Kumar Shahi, S/o-Sri Yugal Kishore Shahi, Resident of Village-P.O.
Pratapand, P.S.-Bhagwanpur, Dist.-Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Panchayat Raj, Govt. of Bihar, Patna
2. The Collector, Vaishali
3. The District Certificate Officer, Vaishali
4. The Block Development Officer, Bhagwanpur, Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakritita Sharma, Adv

For the Respondent/s : Mr. KAMESHWAR PD. GUPTA -GP10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-03-2018

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

2. The present writ petition has been filed for quashing the
entire Certificate proceedings in Certificate Case No. 227 of 2014-15
pending before the Certificate Officer, Vaishali; and for connected
reliefs.

3. The immediate concern of petitioner in this case is that a
warrant of arrest has been issued against him in connection with the
dues amounting to Rs. 27,522/- recoverable in terms of the notice
dated 04.10.2014 issued by the Certificate Officer, Vaishali in
Certificate Case No. 227 of 2014-15.

4. It is submitted on behalf of the petitioner that the entire



Certificate proceeding is without jurisdiction, based as it is on the Certificate dated 04.10.2014 which has been filed without however, recording thereon the certificate case number, the requisite satisfaction of the Certificate Officer nor the individual liability of the two persons against whom recovery is sought to be made.

5. A division Bench of this Court in Nageshwar Prasad Singh vs. Rai Bahadur Kashinath Singh (1958 BLJR 820) considered the effect of a defective certificate on the validity of the proceedings and observed as follows :-

“The Certificate-Officer must meticulously apply his mind to filing the certificate and filing in the columns and blanks correctly and in appending his certificate in the form prescribed, and that the filling in of the forms is a matter of substance and is imperative, to give the certificate the force of a decree of court of law, and if it is found that the Certificate-Officer had not applied his mind at all and that some of the blank spaces were not filled up, or were incorrectly filled up, the document so prepared and filed is not a certificate under the Public Demands Recovery Act. The certificate proceedings are wholly in valid and the officer concerned acts without jurisdiction”.

6. In the above facts and circumstances and with the consent of the parties, the present writ petition is disposed of setting aside the Certificate dated 04.10.2014, granting liberty to the Certificate Officer to draw up a certificate afresh in accordance with law.



(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

