

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18298 of 2013

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Md. Abulesh S/O Late Md. Salim Shah Resident Of Village - Amba Sheikh Toli,
P.O. + P.S. Piprahi, District - Sheohar

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food And Consumers Affairs, Government of Bihar, Patna
2. The District Magistrate, District Sheohar
3. The Deputy Development Commissioner, District Sheohar
4. The District Certificate Officer, Sheohar
5. The Sub Divisional Officer, District Sheohar
6. The Block Development Officer, Block - Piprahi, District - Sheohar
7. The Officer In - Charge, Piprahi Police Station, District - Sheohar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. ALOK KUMAR

For the Respondent/s : Mr. SUBHASH PD. SINGH

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-08-2018

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. 50 of 2012-13 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, "the Act") for recovery of the dues amounting to Rs. 2,79,069/- are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner in this case is that a warrant of arrest has been issued against him in connection with the dues amounting to Rs. 2,79,069/- recoverable in terms of the notice dated 23.01.2013 issued by the District Certificate Officer, Sheohar in Certificate Case No. 50 of 2012-13.



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. 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 two 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.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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