

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20485 of 2016

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Baldev Mahto Son of late Bunni Lal Mahto Resident of Village-Nabalpur, P.S.-
Daraunda, District-Siwan

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna
2. The Superintendent, Department of Excise, Siwan
3. The Certificate Officer, Siwan

.... Respondents

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Appearance :

For the Petitioner : Mr. Angad Kunwar

For the Respondents : Mr. Lalit Kishore, A.G

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-05-2018

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. 16 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. 3,45,000/- 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. 3,45,000/- recoverable in terms of the notice
dated 16/03/2016 issued by the Certificate Officer, Siwan in Certificate
Case No. 16 of 2012-13.

4. It is further submitted that an objection petition under



Section 9 has already been filed which is pending before the Certificate Officer but without disposing of the same, the warrant of arrest has been issued.

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 three 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.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Siwan, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 16 of 2012-13.

7. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

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