

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25398 of 2013

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Indradev Prasad Son Of Late Bhuvneshwar Sah Resident of Village- Dariyapur,
P.S.- Jamalpur, District- Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Development Commissioner, Munger
3. The District Magistrate, Munger
4. The Block Development Officer Block- Jamalpur Cum Executive Officer
Panchayat Samiti, Jamalpur District- Munger
5. The Certificate Officer, Munger
6. The Panchayat Secretary, Jamalpur Gram Panchayat, P.S.- Jamalpur, District-
Munger
7. The Mukhiya, Jamalpur Gram Panchayat, P.S.- Jamalpur, District- Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. SUSHMITA MISHRA, ADV

For the Respondent/s : Mr. MANISH KUMAR.ADV

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-08-2018

The present writ petition has been filed for quashing the Demand Notice dated 10.09.2011 (Annexure-1) issued under the signature of respondent no. 5, the Certificate Officer, Munger under section 7 of the Bihar & Orissa Public Demand Recovery Act (for short, "PDR Act") in Certificate Case No. 42/2011-12.

2. Learned counsel for the petitioner assails the validity of the certificate proceeding on the ground that a copy of the certificate issued under Section 6 of the PDR Act has not been served upon the petitioner even though it has been mentioned in the impugned notice dated 10.09.2011 that a copy of the certificate was being attached.

3. Learned counsel for the respondents appears and has been heard.



4. Having regard to the nature of the grievance, this Court finds merit in the writ petition. A categorical stand of the petitioner that a copy of the certificate was not enclosed with the notice under Section 7 of the PDR Act has not been denied by the respondents and no counter affidavit has been filed. Such requirement goes to the root of the matter and failure in this regard vitiates the entire certificate proceeding and calls in question the very jurisdiction of the Certificate Officer to proceed without service of notice on the petitioner in the prescribed manner.

5. The writ petition is accordingly allowed. The impugned demand notice dated 10.09.2011 issued under Section 7 of the PDR Act by the Certificate Officer in Certificate Case No. 42/2011-12 (Annexure- 1) is hereby quashed and the matter is remanded to the Certificate Officer, Munger (respondent no. 5) to issue fresh notice under Section 7 of the PDR Act in accordance with law.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

