

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5289 of 2014

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Vishwanath Sao son of Janak Sao, Resident Of Village- Jarhua P.S. Hazipur,
Dist.- Vaishali

.... Petitioner

Versus

1. The State of Bihar Through District Magistrate Vaishali, Hajipur
2. Certificate Officer Nagar Parisad Hazipur, Vaishali
3. The President Bihar State Religious Trust Board, Patna
4. Nagar Executive Officer, Nagar Parishad, Hazipur, Vaishali

.... Respondents

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Appearance :

For the Petitioner : Mr. Gauri Shankar Prasad, Advocate.

For the State : Mr. Kameshwar Kumar, GP-17
Mr. Arbind Kumar, AC to GP-17

For the BSRTB : Mr. Ganpati Teivedi, Sr. Advocate.

For the Nagar Parisad : Mr. Madan Mohan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-10-2018

The present writ petition has been filed for quashing Annexures- 4 and 5 of the certificate of notice dated 02.01.2013 vide letter no. 01 issued from the office of Certificate Officer of the Nagar Parishad, Hajipur to the Secretary, Dharamshala, Hajipur, Anwarpur Ward No. 21, Holding No. 401 Hazipur, Vaishali by which Rs. 24,09,200/- (Twenty Four Lacs and Nine Thousand Two Hundred only) has been shown dues and for that Certificate Officer, Hazipur has issued notice to the Secretary, Dharamshala, Hajipur and further by Form 2 Rs. 24,09,200/- plus interest of Rs. 3,61,380/-, a total amount of Rs.27,70,590/- has been claimed.



2. Without going into the merits of the matter, this Court is of the view that the petitioner has not been able to make out any cause of action to maintain the present writ petition. Learned counsel for the petitioner has not been able to show that any recovery is sought to be made from the petitioner in pursuance of certificate proceedings said to have been initiated against the Secretary, Dharamshala, Hazipur and in respect of which no notice under the Public Demands Recovery Act is stated to have been served on the petitioner.

3. In the above circumstances, the writ petition is dismissed with liberty to the petitioner to approach this Court as and when the occasion arises.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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