

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11949 of 2015**

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Kameshwar Prasad Son of Sukram Prasad, Resident of Village - Sarbahdi, P.S. -  
Manpur, District - Nalanda.

.... .... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda.
3. The District Rural Development Agency Nalanda.
4. The District Rural Development Agency Nalanda at Biharsharif.
5. The Dy. Development Commissioner, District Rural Development Agency,  
Nalanda at Biharsharif.
6. The Sub Divisional Officer - cum - the Certificate Officer, Biharsharif.
7. The Block Development Officer, Biharsharif.
8. Block Supply Officer, Biharsharif, Nalanda.
9. The Panchayat Secretary, Sarbandi, Panchayat, District -Nalanda.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Raj Kishor Prasad, Advocate.  
For the Respondents : Mr. Pandey S. Sahay, SC-31

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 03-10-2018**

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

2. The present writ petition has been filed for the  
following reliefs –

*“(I) To issue a writ in the nature of certiorari for quashing  
of the letter dated 15.10.2014 bearing Memo No. 381  
issued under the signature of the respondent no. 5 was  
pleased to direct the petitioner to deposit a sum of Rs.  
3,01,860/-.*

*(II) To issue a writ in the nature of certiorari for quashing*



*the Certificate Case No. 01 of 2013-14 issued by respondent as same is illegal or unauthorized and without jurisdiction as barred by law.*

*(III) To stay the operation of the letter dated 15.10.2014 bearing Memo No. 381 issued under the signature of the respondent no. 5 in the Certificate Case No. 01 of 2013-14."*

3. At the very outset, learned counsel for the petitioner submits that it will suffice if the petitioner is granted liberty to file an objection petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act (for short, "the PDR Act") before the Certificate Officer, in which event the main reliefs in the writ petition need not be pressed.

4. Learned counsel for the respondents appears and expresses that he has no objection in this regard.

5. Considering the stand of the petitioner, the present writ petition is disposed of granting liberty to the petitioner to file his objection petition under Section 9 of the PDR 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, within the stipulated period, the Sub Divisional Officer-cum-



Certificate Officer, Bihar Sharif shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01/2013-14.

7. The writ petition is disposed of with the aforesaid liberty.

**(Vikash Jain, J)**

Md. Ibrarul/Chandran

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