

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18300 of 2018

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Daroga Sharma S/o late Tuntun Sharma Resident of Village- Kataiya, P.O. Jaigovind Nagar, P.S. Jamhor, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Aurangabad.
2. The District Certificate Officer, Aurangabad.
3. The Branch Manager, Madhya Bihar Gramin Bank, Siris Branch, Barun, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha
For the Respondent/s	:	Mr. Anil Kr. Singh- Gp26

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-09-2018 The present writ petition has been filed for quashing the notice dated 04.06.2018 issued by the District Certificate Officer, Aurangabad in Case No. 01 of 2017-18 whereby and whereunder the petitioner has been issued notice to show cause as to why he should not be arrested and sent to prison in the execution of the certificate.

The learned senior counsel for the petitioner has drawn the attention of this Court to an order passed by a coordinate Bench of this Court dated 11.05.2018 passed in C.W.J.C. No. 3541 of 2018 whereby and whereunder this Court had quashed the Certificate Case No. 01 of 2017-18 with liberty to the District Certificate Officer, Aurangabad to issue fresh notice under Section 7 of the Bihar and Orissa Public Demands



Recovery Act, 1914.

The learned senior counsel submits that instead of issuing notice under Section 7 of the Act, the Certificate Officer, Aurangabad has illegally issued the aforesaid notice dated 04.06.2018, which is under challenge in the present proceeding.

Having regard to the facts and circumstances and having heard the learned counsel for the parties, this Court is of the view that the action of the Certificate Officer, Aurangabad is contemptuous and against the letter and spirit of the order dated 11.05.2018 passed by this Court earlier, hence, the notice dated 04.06.2018 is quashed, however, with liberty to the Certificate Officer, Aurangabad to issue notice under Section 7 of the Act and proceed further in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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