

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23592 of 2013

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1. Sushma Ambastha Wife Of Late Rajendra Kumar Ambastha Resident Of Mahadevpuri, P.O. - G.P.O., P.S. - Gardanibagh, Patna. - 800001, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Patna, District- Patna.
3. The Certificate Officer, Patna, District - Patna
4. The Bihar State Electricity Board Through Its Chairman.
5. The Executive Engineer, Bihar State Electricity Board, Mangles Road, Patna
6. Syed Azim Akhtar Son Of Shyed Jamal Akhtar, Resident Of Khajpura, Bailey Road, P.O. - B.V. College Gardanibagh, District - Patna. - 800014
7. Vinay Mohan Sinha Son Of Late L.B. Sinha, Resident Of Plot No. - 74, Road No. 20, Sri Krishna Nagar, P.S. - Budha Colony, District - Patna. - 800001

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Prasad, Advocate.
For the State : Mr. chittaranjan Sinha, AAG-2
Mr. Shailendra Kumar, AC to AAG-2
For the Respondent No. 5: Mr. Prakash Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-08-2018 The present writ petition has been filed for quashing the notice under Section 7 of Bihar & Orissa Public Demand Recovery Act issued by the respondent no. 3 in Case No. 1496 of 2005.

2. Learned counsel for the petitioner submits that the impugned notice dated 28.09.2013 has been issued in respect of the petitioner's husband who had already passed away on 17.08.2013 prior to issuance of such notice and the same is



accordingly unsustainable in law.

3. Learned counsel for the respondents does not dispute the fact of death of the petitioner's husband, in whose name the electric connection had been taken, prior to issuance of notice under Section 7 of PDR Act. It is however submitted that the certificate was filed in the year 2000 itself prior to date of petitioner's husband death.

4. Having heard the parties and on consideration of the materials on record, I find substance in the submission of learned counsel for the petitioner. It is not in dispute that the certificate proceeding was initiated in the year 2005 and during its pendency, the petitioner died on 17.08.2013 prior to issuance of notice under Section 7 of PDR Act. In such circumstances, the impugned notice dated 28.09.2013 cannot be sustained in law and is, accordingly, quashed.

5. The writ petition stands disposed of with a liberty to the Certificate Officer, Patna, respondent no. 3 to issue fresh notice under Section 7 of the PDR Act and proceed in the matter in accordance with law.

(Vikash Jain, J)

sushma/-

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