

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16647 of 2013

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Kapil Prasad son of Late Bed Narayan Prasad, R/O Village - Surajpur Muraura,
P.S. Bihar, District - Nalanda

.... Petitioner

Versus

1. The State of Bihar through Chairman, Bihar State Electricity Board, Patna
2. Chairman, Bihar State Electricity Board, Patna
3. Secretary, Bihar State Electricity Board, Patna
4. Executive Engineer, Nalanda Electric Supply Division, Bihar Sharif, District - Nalanda
5. Collector Cum District Magistrate Nalanda
6. Executive Magistrate Cum Certificate Officer, Nalanda at Bihar Sharif

.... Respondents

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Appearance :

For the Petitioner : Mr. Rabi bhushan prasad no. 1

For the Respondents : Mr. Neeraj Nandan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-10-2018

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

(A) For issuance of writ/s, direction/s, order/s for setting aside entire certificate proceeding including issuance of body warrant which has been initiated in complete violation of law prescribed in Schedule-1 of the Bihar & Orissa Public Demand Recovery Act, 1914 in absence of jurisdiction of the Certificate Officer.

(B) For quashing the illegal and arbitrary demand of dues against Electric Bill pending against deceased father of the petitioner who died in the year 1992.

(C) For declaring the demand of electric charge illegal and arbitrary since the same is not based on previous meter



reading and consumption of electric in the connection.

(D) For any other relief(s) for which the petitioner is found entitled to.”

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 37 of 2006-07 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands recovery Act (for short, “the PDR Act”) for recovery of the dues amounting to Rs. 73,725.65 are wholly illegal and liable to be quashed. It is further submitted that without disposing of the petition under Section 9 of the PDR Act, the Certificate Officer has arbitrarily proceeded to realize the entire disputed dues.

3. The immediate concern of the petitioner in this case is that a warrant of arrest has been issued against him in connection with the dues amounting to Rs. 73,725.65 recoverable in terms of the notice dated 25.01.2012 issued by the Certificate Officer, Nalanda at Bihar Sharif in Certificate Case No. 37 of 2006-7.

4. Learned counsel for the respondents appears.

5. Having regard to the nature of the grievance of the petitioner, the writ petition is disposed of, with a direction to the Executive Magistrate cum Certificate Officer, Nalanda at Bihar Sharif (respondent no. 6) to consider and dispose of the petitioner’s objection said to have been filed under Section 9 of the PDR Act, if still pending, in accordance with law and after grant of opportunity of hearing to the



petitioner.

6. In the meantime, the Certificate Officer shall refrain from resorting to any coercive action for recovery of the dues against the petitioner until disposal of the objection petition as aforesaid.

7. The Certificate case shall abide by the result of the disposal of the petitioner’s objection petition as above.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
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