

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22205 of 2013

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Most. Monakiya Devi, w/o Late Rampravesh Ram, resident of village- Gahauna,
P.S.- Brahmpur, Dist.- Buxar

.... Petitioner/s

Versus

1. The State Of Bihar
2. Dy. Development Commissioner Cum Chief Executive Officer, Buxar
3. The Block Development Officer, Dumraon, Buxar
4. The Certificate Officer Cum Sub-Divisional Officer, Dumraon, Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Mira Kumari, Advocate
For the Respondent/s : Mr. Bijoy Kumar Sinha, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-10-2018

As prayed, learned counsel for the petitioner is permitted to make necessary correction in paragraph- 1 of the writ petition by substituting the words “Block Development Officer” with the words ‘Sub Divisional Officer’ in course of the day.

2. The present writ petition has been filed for quashing for the memo no. 823/a dated 12.09.2013 issued by the Certificate Officer-cum-Sub Divisional Officer, Dumraon, Buxar (respondent no. 4) against the husband of the petitioner Ram Pravesh Ram (now dead) whereby and whereunder he demanded to deposit the price of remaining food grains under allotted under S.G.R.Y. Scheme; and for quashing the certificate proceeding initiated by the respondent no. 4 vide Certificate Case No. 34/2011-12.



3. Learned counsel for the petitioner submits that the impugned notice dated 12.09.2013 issued by the Certificate Officer-cum-S.D.O., Dumraon, Buxar as well as the entire certificate proceedings in Certificate Case No. 34/2011-12 have been initiated in the name of the petitioner's late husband Ram Pravesh Ram, who died on 11.09.2010 itself.

4. It is pointed out that the requisition under Section 5 of the Public Demands Recovery Act (for short 'the PDR Act') appears to have been issued on 04.08.2011, leading to filing the certificate on the same date and issuance of notice under Section 7 thereafter on 11.06.2012. It is submitted that all these proceedings initiated against a deceased person are wholly illegal and unsustainable in law.

5. Learned counsel for the respondents refers to the counter affidavit to submit that after death of the petitioner's husband, the son of the petitioner has been working as PDS dealer on compassionate basis.

6. Having heard the parties and on consideration of the materials on record, this Court finds considerable merit in the writ petition. A bare perusal of the impugned notice dated 12.09.2013 issued by the Certificate Officer-cum-S.D.O., Dumraon, Buxar as well as the requisition dated 04.08.2011 issued under Section 5 of the PDR



Act discloses that these have been issued after 11.09.2010, when the husband of the petitioner died. As such, the entire proceedings are rendered illegal and a nullity.

7. Accordingly, the impugned notice dated 12.09.2013 issued by the Certificate Officer-cum-S.D.O., Dumraon, Buxar (Annexure-2) as well as the certificate proceeding initiated in Certificate Case No. 34/2011-12 are hereby quashed.

8. The writ petition stands allowed.

9. Needless to say, the concerned authorities shall be at liberty to initiate fresh proceedings for recovery, if so advised, in accordance with law.

(Vikash Jain, J)

N.H./- Chandran

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03-10-2018
Transmission Date	N/A

