

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14854 of 2017

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Prabhu Nath Singh, Son of Late Satrugghan Singh, Resident of Mujauna, P.S. -
Dariyapur, Block- Dariyapur, District- Saran (Chapra).

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Patna.
2. The Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The Secretary, Rural Engineering Department, Government of Bihar, Patna.
4. The Commissioner, Saran Division, Chapra.
5. The District Magistrate, Saran (Chapra). null null
6. The District Certificate Officer, Saran, Chapra.
7. The Deputy Development Commissioner, Saran (Chapra).
8. The Block Development Officer, Dariyapur, Saran (Chapra).
9. Shri S.K. Sinha, The then Assistant Godown Manager, Dariyapur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Kishore Singh, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-05-2018

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

2. It is submitted on behalf of the petitioner that the entire
proceedings in Certificate Case No.03/2011-12 against the petitioner in
terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act
(For short, "the Act") for recovery of the dues amounting to
Rs.2,74,000/- are wholly illegal and liable to be quashed.

3. Learned counsel for the respondent-Corporation
submits that the petitioner does not appear to have filed any petition



under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the Respondents.

4. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer, Saran, Chapra 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.

5. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Saran, Chapra shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 03/2011-12.

6. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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