

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7711 of 2018

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Most. Urmila Devi, wife of late Ram Chandra Ram, Resident of village - Warsaliganj, P.S. - Warsaliganj, District - Nawadah.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Nawada.
2. The Deputy Development Commissioner, Nawada.
3. The Sub-Divisional Officer, Sadar, Nawada.
4. The District Engineer Zila Parishad, Nawada.
5. The District Certificate Officer, Nawada.
6. The Block Development Officer, Warsaliganj, Nawada.
7. The Block Supply Officer, Warsaliganj, Nawada.

.... Respondents

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Appearance :

For the Petitioner : Mr. Krishna Chandra Jha,
Mr. Amish Kumar, Advocates
For the Respondents : Mr. S. Raza Ahmad- AAG5
Mr. Nikesh Kumar, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-05-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

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

“(i) For quashing the notice dated 09.12.2017 passed in Certificate Case No. 29/2011-12 (Annexure-10) issued by the Respondent No. 5 whereby and whereunder he has directed the petitioner to appear in his court and to submit evidence of deposit of due amount to the tune of Rs. 5,42,565/- otherwise her supply may be discontinued.

(ii) For direction to the respondent concerned particularly Respondent no. 5 to consider and dispose



of the objection under section 9 of the Bihar Public Demand Recovery Act, 1916 dated 06.04.2018 (Annexure-11) filed by the petitioner in certificate case no. 29/2011-12.

(iii) For direction to the Respondent concerned not to proceed ahead/take any coercive steps against the petitioner in Certificate Case No. 29/2011-12 pending before the Respondent No. 5.”

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 29/2011-12 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. 5,42,565/- are wholly illegal and liable to be quashed.

4. It is further submitted that an objection petition under Section 9 has already been filed which is pending before the Certificate Officer.

5. Learned counsel for the respondents appears and has been heard but however, no counter affidavit has been filed till date.

6. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file a fresh objection petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the District Certificate Officer, Nawada 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.

7. It is made clear that until disposal of such petition, if filed, the District Certificate Officer, Nawada shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 29/2011-2012.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	21.05.2018
Transmission Date	N.A.

