

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8939 of 2018

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Ajit Kumar, son of Ramviksh Paswan @ Ramvriksh Paswan, resident of village -
Repura, Ekauni, P.S. Daudnagar, District-Aurangabad

.... Petitioner

Versus

1. The State of Bihar through the principal Secretary, Land and Revenue Department, Government of Bihar at Patna.
2. The Collector Aurangabad, District- Aurangabad.
3. The District Certificate Officer, Aurangabad, District- Aurangabad.
4. The Manager State Bank of India, Daudnagar, District-Aurangabad.

.... Respondents

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Appearance :

For the Petitioner : Mr. Anil Chandra, Advocate

For the Respondents : Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-05-2018

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) To issue an appropriate writ, order or direction for commanding the respondents to quash the entire proceeding in Certificate Case No. 13/16-17 initiated against the petitioner for recovery of dues amount of Rs. 1,39,710/- under the Bihar and Orissa Public Demand Recovery Act (in short PDR Act).

(ii) To recall the order dated 14.07.2017 by which the Respondent No. 3 has issued bailable warrant of arrest against the petitioner.

(iii) To issue an appropriate writ/order/direction directing the respondents not to take any coercive measures against



the petitioner.

(iv) To give any other appropriate relief/reliefs as your lordships may deem fit and proper for the end of justice.”

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No.13/2016-17 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.1,39,710/- are wholly illegal and liable to be quashed.

4. 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. 1,39,710/- recoverable in terms of the notice dated 14.07.2017 issued by the District Certificate Officer, Aurangabad in Certificate Case No. 13/2016-17.

5. Learned counsel for the respondent 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.

6. 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 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, Aurangabad shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 13/2016-17.

8. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.05.2018
Transmission Date	N.A.

