

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18021 of 2018

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Mazid Ahmad son of Mohammad Shahzad resident of Mohalla- Topkhana Bazar,
Police Station- Kotwali, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Collector cum District Magistrate, Munger.
4. The Superintendent of Excise, Munger.
5. The Certificate Officer, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Respondent/s : Mr. Anil Kumar Sinha -GA1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 27-09-2018

1. The present writ petition has been filed for quashing the certificate case no. 18 of 2014-15 pending before the learned Certificate Officer, Munger, in which a notice dated 08.08.2014 has been issued.

2. The learned counsel for the petitioner submits that the said notice issued under the Bihar and Orissa Public Demand Recovery Act, 1914 is invalid on the ground that the same has not been signed by the Certificate Officer but by the Superintendent, Excise, Munger. It is further submitted that since the petitioner has filed the writ petition belatedly, the petitioner would not be raising the objection regarding the issue of limitation in case of fresh proceedings being initiated against



the petitioner.

3. I have heard the learned counsel for the parties and I find that admittedly the notice issued to the petitioner dated 08.08.2014 has not been signed by the Certificate Officer, hence is not in consonance with the provisions contained in Section 7 of Bihar and Orissa Public Demand Recovery Act, 1914, thus the notice dated 08.08.2014 is quashed and the Certificate Officer is granted liberty to issue fresh notice in accordance with law.

4. The writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.10.2018
Transmission Date	NA

