

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1697 of 2019

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Rajan Bharadwaj, aged 43 Years (Male) Son of Late Ganesh Prasad Singh,
Resident of Village Thumba, P.S. Runni Saidpur District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Revenue Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Sitamarhi.
4. The Sub Registrar, Belsand, Sitamarhi.
5. The Certificate Officer, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Adv. Mr. Siya Ram Shahi, Adv.
For the Respondent/s	:	Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-02-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner in the present case is seeking a writ of certiorari to quash and cancel the entire certificate proceeding bearing Certificate Case No.5/2017-18 pending in the Court of Certificate Officer, Sitamarhi.

It appears from perusal of the writ application as well as from the submissions of Mr. Siya Ram Shahi, learned counsel representing the petitioner that the certificate proceedings seems to have been initiated for recovery of a sum of Rs.1,73,000/-. The petitioner has already appeared in the said case pursuant to the notice issued under Section 7 of the Bihar and Orissa Public



Demands Recovery Act, 1914 and has filed his objection under Section 19 of the said Act.

The grievance of the petitioner is that he has not been served with the copy of the requisition based on which the certificate has been signed by the Certificate Officer. This according to the petitioner is coming in his way in understanding the nature of dues and as to why he has been made liable to make payment thereof. The petitioner submits that so far as he is concerned, he has not taken any loan or advances for which a certificate case could have been proceeded against him.

On the other hand, learned counsel for the State submits that in the nature of the grievance of the petitioner, this writ application may be disposed of with a direction to the Certificate Officer, Sitamarhi to allow learned counsel for the petitioner to conduct inspection of the whole of the records of the Certificate Case and thereupon whatever documents he may be looking for may be requisitioned by him in accordance with the procedures and on filing of such requisition fee thereon the certified copies of those documents shall be made available to the petitioner within a period of one week.

Having heard learned counsel for the petitioner and



learned counsel for the State, this Court disposes of this writ application with a direction to the Certificate Officer to allow learned counsel for the petitioner to conduct an inspection of the records of the certificate case and thereafter in case any requisition with requisite fee is filed for obtaining certified copy the desired documents, the same shall be made available to him within a period of one week from the date of submission of the requisitions and the fee thereon. That would facilitate the petitioner in knowing the nature of the demand and thereupon he may pursue his remedy as advised in accordance with law.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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