

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3213 of 2019

=====

Md. Asik @ Asik, Son of Enul, resident of Village- Mayamari, Police Station- Amdabad, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Land reforms and Revenue Department, Govt. of Bihar, Patna.
2. Collector, Katihar, District- Katihar.
3. Additional Collector, Katihar, District- Katihar.
4. Sub-Divisional Office, Manihari, District- Katihar.
5. Addl. Collector, Land Reforms Manihari, District- Katihar.
6. District Certificate Officer, Katihar.
7. Circle Officer, Manihari Block, District- Katihar.
8. S.H.O., Police Station, Amdabad, District- Katihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Bimal Kumar
For the Respondent/s : Mr.Md. Khurshid Alam (AAG 12)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-06-2019 Petitioner, in the present case, is challenging the notice dated 27.10.2018 issued by the District Certificate Officer, Katihar whereby a certificate proceeding being Certificate Case No.1 of 2018-19 has been initiated against the petitioner for recovery of a sum of Rs.21,30,408/- which is said to be lying due against the petitioner for his failure to pay the settlement amount of 13 ghats for the year 2018-19.

Although, the petitioner has also challenged the initiation of the certificate proceeding on the ground that simultaneously a police case has also been lodged which is in



violation of the Article 20(2) of the Constitution of India and the same is liable to be quashed, having realized that quashing of the FIR cannot be sought in the present jurisdiction and roster of this Court, learned counsel for the petitioner has not pressed that prayer seeking liberty to raise this issue in an appropriate proceeding.

After some argument, learned counsel for the petitioner submits that the grounds which he has been taking before this Court for quashing of the certificate proceeding would be raised before the certificate officer while filing an objection under Section 7 of the Bihar and Orissa Public Demand Recovery Act, 1914 (in short 'Act of 1914'). It is submitted that the certificate officer may be directed to consider his show cause considering all such aspects of the matter which have been raised before this Court.

Learned counsel for the State has no objection to the same.

In the given facts and circumstances of the case, this writ application is being disposed off giving liberty to the petitioner to submit his show cause before the certificate officer within 30 days from today and raise all such points which are available to him in accordance with law. If such an objection is



filed within the prescribed period, the certificate officer shall consider the same in terms of Sections 9 and 10 of the Act of 1914 and would determine the liability by a reasoned order only.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

