

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4819 of 2019

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Nawal Kishore Prasad Yadav, Male, aged about 53 years, Son of Deo Nandan Yadav, Resident of Village- Parma, Police Station and Block- Nardiganj, District- Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nawadah.
2. The Deputy Development Commissioner-cum-C.E.O, Zila Parishad, Nawadah.
3. The Sub Divisional Officer, Sadar, Nawadah.
4. The District Engineer, Zila Parishad, Nawadah.
5. The District Certificate Officer, Nawadah.
6. The Block Development Officer, Nardiganj, District- Nawadah.
7. The Block Supply Officer, Nardiganj, District- Nawadah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-03-2019 Mr. Nikesh Kumar, learned counsel appears on behalf of Zila Parishad, Nawadah (respondent no.2). He has made some submissions, however, thereafter, Mr. Anwar Karim, learned Advocate has intervened and submits that he is the lawyer for the Zila Parishad, Nawadah. This episode has taken place earlier also while hearing a case. This Court would record its displeasure in the manner in which the things are taking place in Court.

The Deputy Development Commissioner-cum-Chief
Executive Officer, Zila Parishad, Nawadah must take note of it



and do the needful towards remedial measures so that this kind of thing should not go on happening repeatedly.

This writ application has been preferred for the following reliefs:-

“(i) A writ in the nature of certiorari setting aside the notice dated 17.08.201 passed in Certificate Case No.02 of 2011-12 issued by Respondent No.5 whereby and where under petitioner has been directed to appear in his Court and submit evidence of deposit of due amount to the tune of Rs.3,00,821/- (Rs. Three Lacs Eight Hundred Twenty One only) otherwise the same amount will be recovered from you.

(ii) For a direction upon the respondents concerned particularly to the Respondent No.5 to consider and dispose of objection under Section 9 of the Bihar Public Demand Recovery Act, 1914 dated 11.01.2019 filed by the petitioner in Certificate Case No.02 of 2011-12 which has not been disposed of as yet.

(iii) For a direction to the Respondent concerned not to proceed ahead/taken any coercive steps against the petitioner in Certificate Case No.02 of 2011-12 pending before the Respondent No.5.

(iv) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

Learned counsel for the petitioner submits that at this



stage though he has instruction that coercive action has been taken against the petitioner but the relevant order-sheet of the certificate case has not been enclosed with the writ application. It is submitted that the petitioner is only looking for a direction to the Certificate Officer to dispose of the objection submitted by the petitioner under Section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914 in Certificate Case No.02 of 2011-12.

Mr. Upendra Pratap Singh, learned AC to SC 4 submits that infact in the prayer portion itself the petitioner has stated that he has been served with a notice calling upon him to submit an evidence of the due amount to the tune of Rs.3,00,821/-, under such circumstances, it is submitted that the petitioner should have approached the Certificate Officer instead of moving this Court.

Learned counsel for the respondent no.2, Zila Parishad, Nawadah is also present.

Having heard learned counsel for the parties, this Court is of the considered opinion that at this stage, there is no reason for the petitioner to move this Court. In case the petitioner has filed an objection under Section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914 before the



Certificate Officer, it goes without saying that the Certificate Officer is obliged under the statute to consider the said objection and pass an appropriate order thereon.

In case the Certificate Officer has taken any coercive action against the petitioner before deciding the objection submitted by the petitioner, the same shall not be given effect to till such time the objection of the petitioner is decided. It will be imperative for the petitioner to participate in the proceeding without wasting any time and ensure that the proceeding is decided at the earliest opportunity.

The writ application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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