

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11155 of 2019

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Satya Narayan Sahni, (Male), aged about 65 years, Son of Late Bechu Sahni,
Resident of Village- Lagma, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Sitamarhi.
3. The Land Acquisition Officer, Sitamarhi.
4. The District Certificate Officer, Sitamarhi.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Surendra Kishore Thakur, Advocate
For the State	:	Mr. Rakesh Kr. Shrivastava, AC to GP-15
For the Intervener	:	Ms. Nivedita Nirvikar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-06-2019 Heard learned counsel for the petitioner, learned
counsel representing the State and learned counsel seeking
liberty to appear on behalf of the proposed Intervener.

For the present, the court is satisfied with the
submissions made by learned counsel for the petitioner that the
District Certificate Officer, Sitamarhi, in the present case, has
put the petitioner behind the bar without following the
established procedure of law. Learned counsel has shown from
the certified copy of the order-sheets of the certificate
proceeding that initially a warrant of arrest was issued against
the petitioner when he had failed to appear pursuant to the show
cause notice issued to him but when the petitioner was arrested
by virtue of the said warrant of arrest and was brought before



the District Certificate Officer, Sitamarhi on 10.10.2018, he appeared with his Advocate and filed an objection in response to the said show cause notice. Despite filing of the response he was sent behind the bar. His objection remained pending without consideration. On 29.12.2018, he was ordered to be released and thereafter the petitioner was released also, but once again he has been put behind the bar saying that he has failed to deposit the certificate amount.

Learned counsel submits that the entire order-sheet would show that the District Certificate Officer, Sitamarhi has put the petitioner behind the bar on the ground that he has not deposited the certificate amount.

It is submitted that the District Certificate Officer, Sitamarhi has till date not considered the objection of the petitioner and has not determined the liability as is required under Section 9 of the Bihar and Orissa Public Demand Recovery Act. In absence of any determination, according to learned counsel for the petitioner, putting the petitioner behind the bar is wholly illegal, unjust and improper. Inaction on the part of the District Certificate Officer writs large when he has on the one hand not considered the objection and at the same time is directing the petitioner to pay the amount and for that put the



petitioner behind the bar.

This court is of the view that continued detention of the petitioner behind the bar even before determination of the liability against him is in violation of the constitutional rights of liberty, and, hence, this court directs immediate release of the petitioner from the custody.

The District Certificate Officer, Sitamarhi is directed to consider the objection of the petitioner, decide the same, determine the liability, if any, of the petitioner within four weeks from today. Further consequences of such determination shall follow in accordance with law.

Let this order be communicated to the District Certificate Officer, Sitamarhi (respondent no. 4) forthwith through Fax.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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