

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16285 of 2019

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Raj Kishore Singh, Son of Sri Awadh Narayan Singh , resident of Village-
Lagma, P.O.- Jahangirpur Lagma, P.S. Singhiya, District- Samastipur,
presently residing at S.B.I. Road, Rajbanshi Nagar, P.S.- Shastri Nagar,
District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur, District- Vaishali at Hajipur.
4. The Deputy Development Commissioner, Vaishali at Hajipur, District- Vaishali at Hajipur.
5. The District Certificate Officer, Vaishali at Hajipur, District- Vaishali at Hajipur.
6. The Programme Officer, Bidupur Block, District- Vaishali at Hajipur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.S. B. K. Manglam, Advocate Mr. Awnish Kumar, Advocate Mr. Kislay Raj, Advocate
For the Respondent/s	:	Mr. Kunal Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2019 Heard Mr. S. B. K. Manglam, learned counsel for the

petitioner and Mr. Kunal Tiwary, learned counsel representing

the State.

The petitioner in this case is aggrieved by and
dissatisfied with the order dated 30.04.2019 and 22.06.2019
passed by the Certificate Officer, Vaishali at Hajipur in Misc.
Scheme Case No. 24 of 2015-16 by which a Distress Warrant /
Attachment Warrant has been issued against the petitioner.

Mr. Manglam has drawn the attention of this Court



towards the order dated 03.07.2018 passed in C.W.J.C. No. 12027 of 2015 (Annexure 'P-13' to the writ application) in which a learned co-ordinate Bench of this Court has directed that until disposal of the petition, the Certificate Officer, Vaishali at Hajipur shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 24/2015-16. This order has been passed in the writ application preferred by this petitioner earlier.

It is submitted that the petitioner has though filed his objection and the same has not been rejected till date, then in complete disregard to the order passed by the Writ Court, the Certificate Officer has issued the Distress Warrant and Attachment Warrant. The objection filed by the petitioner has yet not been disposed of.

Learned counsel for the State submits that if the order of the Certificate Officer is in disregard to the order passed by this Court, the petitioner has a remedy of filing a contempt application. However, Mr. Manglam has submitted before this Court that there being a Distress Warrant and order of Attachment against the petitioner, he advised the petitioner to file this writ application for the present.

In the given facts and circumstances of the case where



it appears that this petitioner had earlier moved this Court in C.W.J.C. No. 12027 of 2015 and a positive order has been passed in the said case, the petitioner is granted liberty to file an appropriate application along with the certified copy of the judgment of this Court in the said case before the Certificate Officer and in case such an application is filed, the Certificate Officer shall take immediate decision thereon in the light of the judgment of this Court. Till such time, the execution of Distress Warrant and the order of Attachment shall remain stayed.

This writ application stands disposed of with the aforesaid directions and observations.

(Rajeev Ranjan Prasad, J)

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