

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18273 of 2019

Chanda Devi wife of late Krishnadeo Singh, resident of Village and Post-Madhurapur, Police Station and Block- Bidupur, District- Vaishali at Hajipur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
2. The District Magistrate, Vaishali at Hajipur.
3. The District Panchayat Raj Officer, Vaishali at Hajipur.
4. The Certificate Officer, Vaishali at Hajipur.
5. The Block Development Officer, Mahnar, District- Vaishali at Hajipur.
6. The Officer Incharge Police Station- Bidupur, District- Vaishali at Hajipur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Roy, Advocate
For the Respondent/s : Mr.Ajay (GA-5)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-10-2019 After hearing learned counsel for the petitioner and learned counsel for the State, in the nature of the order proposed to be passed by this Court, learned counsel for the State submits that no counter affidavit would be required at this stage.

The simple case of the petitioner is that a certificate proceeding has been initiated being Certificate Case No. 117 of 2014-15 against the husband of the petitioner who died on 28.09.2018. Prior to his death he had filed an objection in the certificate proceeding and that remained pending on the date of his death. Even after the death of her husband, the Certificate Officer continued to write orders taking as if the husband of the



petitioner is still alive, a warrant of arrest has been issued against the dead person and now on the strength of that warrant the police authorities are harassing this petitioner calling upon her to deposit the amount in question even though the petitioner is not a party in the certificate proceeding.

Learned counsel for the State admits that no proceeding against the dead person can continue and warrant of arrest could not have been issued against the dead person.

In the aforesaid view of the matter, the order dated 15.05.2019 passed by the Certificate Officer by which a warrant of arrest has been issued against the husband of the petitioner who has already died is hereby set aside. In view of the death of the husband of the petitioner now the Certificate Proceeding cannot continue against a dead person.

This application is, thus, allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

vats/ved

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