

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20416 of 2019

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Kesho Choudhary Son of late Horil Choudhary, Resident of Village- Darbeshpura, P.S. Katrisarai, District- Nalanda, A/p Siwandih, P.S. B.S. City, Sonatand Bokaro, District- Bokaro, Jharkhand.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Transport Department, Govt. of Bihar, Patna.
2. Joint Commissioner Cum Secretary, Regional Transport Authority Cum Certificate Officer, Patna Pramandal, Patna. At Commissioner Compound, West Gandhi Maidan, Patna.
3. District Transport Officer, Nalanda at Biharsharif, At Collectorate Compound, Nalanda Biharsharif .
4. Biresh Prasad, Son of of Gaya Mahto, Resident of Village- Sayandhi, P.S. Giriyak, District- Nalanda at Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shiopujan Singh, Advocate Mr. Mukesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Manoj Kumar, AC to GP 24

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-10-2019 Learned counsel for the petitioner submits that the warrant of arrest has been issued in the certification proceeding being Certificate Case No. 198 of 2013-14 without serving a show cause notice in terms of Section 7 of the Bihar & Orissa Public Demand Recovery Act 1914. It is submitted that because of non-service of notice, the petitioner has been deprived of a valuable right to file his objection. At this stage a warrant of arrest is said to have been issued against him.

Learned counsel for the State submits that under such circumstance, if the petitioner is so willing, he may still file his



objection before the Certificate Officer and this Court may direct the Certificate Officer to consider the same and pass an appropriate order thereon.

In the given facts and circumstances, this writ application is being disposed of with liberty to the petitioner to appear before the Certificate Officer, Patna (respondent no. 2) within a period of four weeks from today and file his show cause taking all such pleas which are available to him. If the show cause /objection on behalf of the petitioner is filed within the aforesaid period, the same will be considered by the Certificate Officer, Patan (respondent no. 2) and an appropriate order shall be passed thereon.

For a period of four weeks from today the warrant of arrest issued against the petitioner shall not be executed.

If the show cause/objection is filed within the stipulated period, the Certificate Officer (respondent no. 2) shall consider the request of the petitioner to recall the warrant of arrest and an appropriate order thereon shall be passed immediately.

(Rajeev Ranjan Prasad, J)

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