

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7915 of 2020

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Abita Devi Wife of Sri Jagannath Das At Mahua Singh Ray, P.S.- Mahua,
District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Vaishali.
2. The District Magistrate, Vaishali.
3. The Certificate Officer Vaishali.
4. The Block Development Officer Mahua, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suryakant Kumar, Advocate
For the Respondent/s	:	Mr. Manish Dhari Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 08-10-2020

This matter has been taken up for hearing through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof. Learned counsel for the respondents states that they have no objection in this regard and the matter be taken up on merits in view of the stated urgency.

2. The present writ petition has been filed for quashing Certificate Case No. 175 of 2014-15 pending before the Certificate Officer, Vaishali which has been issued for recovery of a disputed amount of Rs. 2,75,036/- as also to set aside the notice dated 15.01.2020 issued in the aforementioned certificate case; and for connected reliefs.

3. It is submitted on behalf of the petitioner that the entire



proceedings in Certificate Case No. 175 of 2014-15 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands recovery Act (for short, "the Act") for recovery of the dues amounting to Rs. 2,75,036/- are wholly illegal and liable to be quashed.

4. The immediate concern of the petitioner in this case is that coercive action would be taken against her in connection with the dues amounting to Rs. 2,75,036/- recoverable in terms of the notice dated 15.01.2020 issued by the District Certificate Officer, Vaishali in Certificate Case No. 175 of 2014-15.

5. Learned counsel for the respondents submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the respondents.

6. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file her petition under Section 9 of the Act within a period of two weeks from today, which, if done, shall be disposed of by the Certificate Officer on its own merits within a further period of eight weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

7. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Vaishali shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 175 of 2014-15.

8. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through email and that the petitioner shall be at liberty to request the concerned authority for hearing through video conference. To enable the same, the petitioner shall furnish her mobile number and e-mail ID on the email address of learned Advocate General not later than by 14.10.2020 for onward



transmission to the concerned authority.

9. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	09.10.2020
Transmission Date	-

