

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13918 of 2019

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Vasmati Devi W/o Ram Babu Sahni, Resident of Village- Dulaur, P.S. Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Director, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Panchayati Raj Officer , Vaishali, Hajipur.
4. The District Magistrate, Vaishali, Hajipur.
5. The Certificate Officer, Vaishali, Hajipur.
6. The Deputy Development Commissioner-Cum-Chief Executive Officer, District Board, Vaishai, Hajipur.
7. The Block Development Officer, Jandaha , District- Vaishali, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Respondent/s : Mr.Kumar Alok (SC-7)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-03-2020 The present writ petition has been filed for setting aside the Certificate Case No. 298 of 2014-15 and Certificate Case No. 307 of 2014-15 pending before the learned Certificate Officer, Vaishali, Hajipur.

The learned counsel for the petitioner has relied on a judgment dated 07.09.2015, rendered by a coordinate Bench of this Court in CWJC No. 20165 of 2014, whereby and whereunder it has been held that individual liability of the certificate debtor has to be fixed and only then the recovery can



be made.

In any view of the matter, it has been submitted by the learned counsel for the petitioner that the petitioner would be approaching the learned Certificate Officer, Vaishali, Hajipur by filing objection under Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as the 'Act, 1914'), whereupon the Certificate Officer, Vaishali, Hajipur be directed to pass final orders and determine individual liability of the petitioner.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with liberty to the petitioner to file appropriate objection under Section 9 of the Act, 1914 before the Certificate Officer, Vaishali, Hajipur in connection with Certificate Case No. 298 of 2014-15 and Certificate Case No. 307 of 2014-15.

It is needless to state that the petitioner shall file the objection under Section 9 of the Act, 1914 within a period of four weeks from today, failing which the learned Certificate Officer, Vaishali, Hajipur shall be free to pass ex parte orders under Section 10 of the Act, 1914.

It is further directed that till the passing of the final



order by the learned Certificate Officer, Vaishali, Hajipur in connection with the aforesaid two certificate cases, no coercive action shall be taken against the petitioner herein.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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