

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16159 of 2019

Binod Kumar Gupta @ Binod Prasad Gupta, son of late Baijnath Saw,
resident of Village- Barun Bazar, P.S. Barun, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Personal and Administrative Department, Government of Bihar, Old Secretariat, Bihar, Patna.
2. The Collector, Aurangabad, Bihar.
3. The District Certificate Officer, Aurangabad, Bihar.
4. Ramjee Prasad, son of Bagwati Saw, resident of Village- Bhartiganj, P.O. and P.S. Sasaram, District- Aurangabad, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh, Advocate

For the Respondent/s : Mr. Md.Nadim Seraj (GP-5)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 18-01-2020 The petitioner was granted compensation by the Claims Tribunal because of his disablement in a motor accident. The Claims Tribunal assessed the compensation amount to Rs. 1,45,219/- with 6 % interest and directed the owner of the vehicle to pay the same to the petitioner within 30 days of passing of the order.

The aforesaid order was passed on 03.01.2017.

The learned counsel for the petitioner has submitted that on 23.06.2017, the Claims Tribunal vide letter bearing Letter No. 52/2017 sent a requisition



before the Certificate Officer, Aurangabad for recovery of the aforesaid amount as public demand. Pursuant to the aforesaid requisition, a certificate was issued by the Certificate Officer and notices also were issued to the certificate debtor. However, as stated by the learned counsel for the petitioner, no further steps have been taken and there is no appearance of the certificate debtor.

The petitioner only seeks a direction to the concerned Certificate Officer to take the proceedings to a logical conclusion within a reasonable period of time.

Mr. Nadim Seraj, learned G.P.-5 has informed this Court that all possible coercive steps which are available to the Certificate Officer, have been invoked but the certificate debtor has not yet submitted himself to the process of law.

However, there is no averment on behalf of the State whether the certificate debtor has been served with the notice.



In any view of the matter, if the Certificate Officer was satisfied about the amount being recoverable as a public demand from the certificate debtor and has issued a certificate, there is no reason why the proceedings be stalled for such a long time.

The Certificate Officer would be under an obligation to take all possible steps and ensure that the proceeding gets concluded within a period of nine months of production/supply of a copy of this order before him.

The State agency shall also ensure that all cooperation is rendered in tracking the certificate debtor and serving upon the notice issued by the Certificate Officer.

With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

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