

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18843 of 2019**

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Sri Jai Vijay Singh, son of Late Jaipal Singh resident of Village- Simra, P.O.  
and P.S.- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate cum Collector, Patna.
2. District Magistrate cum Collector, Patna.
3. Additional District Magistrate, Law and Order, Patna cum Certificate Officer, Patna.
4. District Land Acquisition Officer cum Competent Authority under Land Acquisition Act, Patna.
5. Jagat Prasad Singh son of Late Dhurkheli Singh resident of Village- Simra, P.O. and P.S.- Parsa Bazar, District- Patna.
6. Smt. Savitri Devi wife of Jagat Prasad Singh resident of Village- Simra, P.O. and P.S.- Parsa Bazar, District- Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mahendra Prasad Bhartee  
For the Respondent/s : Mr. Raj Kishore Roy (GP18)

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

5      07-01-2020                      Rejoinder    to    the    supplementary    counter

affidavit has been filed in Court. Let it be taken on

record.

The petitioner has approached this Court for

quashing of the order dated 26.08.2019 issued by

Respondent No. 3 whereby he has been asked to deposit

an amount of Rs. 1,34,54,700/- or else distress warrant

shall be issued against him and the property shall be



attached. The aforesaid order has been passed in the Certificate Case No. 6 of 2019-2020. It is under these circumstances that the petitioner has approached this Court for stay of any such coercive step by the Certificate Officer and also for quashing of the entire certificate proceedings.

This Court, on the last occasion, on the strength of the submission made on behalf of the parties, directed that in case the petitioner deposits an amount of Rs. 75,000,00/- with the Certificate Officer subject to his rights and contentions later, within a period of four weeks from the date of passing of the order, no distress warrant shall be issued and no coercive step shall be taken against him. The order further provided that in case this amount was not deposited within the stipulated time, it would be open for the Certificate Officer to proceed against the petitioner and execute the distress warrant.

The clear averment of the petitioner is that the



amount of Rs. 75,000,00/- as directed by this Court by order dated 25.10.2019, has been deposited.

In that view of the matter, there should not be any apprehension of the petitioner of being arrested in this case till the conclusion of the certificate proceedings.

So far as the second prayer of the petitioner is concerned, which appears to have been conjured up only during the course of arguments of this case it cannot be allowed in as much as the matter cannot be hijacked out of the court of the Certificate Officer who is in seisin of the matter. The petitioner would also have all the opportunities of contesting the case before the Certificate Officer and would have opportunity of assailing any order if he remains dissatisfied.

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

**(Ashutosh Kumar, J)**

skm/-

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