

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19969 of 2019

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1. Bijendra Kumar, Son of Ram Chandra Rai, Resident of Village- Patania, Tola- Bunyadi Tola, Ward No. - 09, Block- Riga, District- Sitamarhi.
 2. Ram Ekbal Prasad, Son of Yogendra Sah, resident of Ward No. 1, Matiyar Khurd, Matiur Khurd, M. Kala Bihar, Police Station- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Panchayati Raj, Govt. of Bihar, Patna.
2. The Principal Secretary Panchayati Raj, Govt. of Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Development Officer, Sitamarahi.
5. The District Certificate Officer, Sitamarhi.
6. The Block Development Officer, Riga, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Manish Kumar, A.C to AAG 6

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-02-2020 Heard learned counsel for the petitioner and the learned counsel for the State.

The present writ petition has been filed for quashing the entire proceedings of the Certificate Case No. 1 of 2017-18 pending before the District Certificate Officer, Sitamarhi.

The learned counsel for the petitioner has submitted that neither complete requisition of the Certificate Case in question nor the certificate has been served upon the petitioner and instead body warrant has been issued against the petitioner.

Per contra, the learned counsel for the State submits



that the complete requisition as well as the certificate would be served in form of section 7 notice of the Bihar and Orissa Public Demand Recovery Act, 1914 (herein after referred to as “Act, 1914”), upon the petitioner within a period of four weeks from today and thereafter, the proceeding would be completed within a time frame as fixed by this Court.

The petitioner has got no objection to the aforesaid proposal of the State.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with a direction to the Certificate Officer to supply a copy of the complete requisition as also the certificate in the form of notice under Section 7 of the Act, 1914 within a period of four weeks from today, whereupon the petitioner shall file his objection within a period of six weeks thereafter, under Section 9 of the Act, 1914 and then the Certificate Officer shall pass the final orders within a period of eight weeks thereafter.

It is needless to state that till passing of the final order under Section 10 of the Act, 1914, no coercive steps shall be taken against the petitioner.

The present writ petition stands disposed of on the aforesaid terms.

Tiwary/-

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(Mohit Kumar Shah, J)

