

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 4490 of 2020

Rabindra Kumar Yadav @ Rabindra Kumar Son of Late Rupan Yadav,
Resident of Village-Shiv Kunal, P.S.-Dharaha, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj
Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar,
Patna.
3. The District Magistrate, Lakhisarai.
4. The District Panchayati Raj Officer, Lakhisarai.
5. The District Planning Officer, Lakhisarai.
6. The District Certificate Officer, Lakhisarai.
7. The Block Development Officer Suryagarha Block, District-Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Sr. Adv.
Mr. Vipin Kumar, Adv.
For the Responden/s : Mr. Kumar Alok, SC-7.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 21-08-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.



The present writ petition has been filed seeking the following reliefs:-

“i) For quashing of requisition for certificate dated 31.07.2019 contained in letter No. 2629 dated 2.8.2019 issued by Respondent No. 7 which has been issued in complete violation of principle of natural justice.

ii) For quashing of notice under section 7 dated 5.8.2019 and Departmental Certificate Case No. 20/ 2019-20 which is pending before the District Certificate Officer, Lakhisarai.

iii) For direction upon the Respondent authority to conduct a fair and transparent enquiry against the work done under Mukhyamantri Sat Nishchay Yojna in Gram Panchayat Raj Tolarampur in year 2017-18.”

At the outset, the Ld. Senior counsel for the petitioner, Shri P.K. Shahi, submits that the respondents in their counter-affidavit have submitted that since the objection under Section 9 of the Public Demand Recovery Act , 1914 was filed by the petitioner after the stipulated period of limitation, the same has not been disposed of, nonetheless, it is stated that the actual fact is that the petitioner has filed the objection within time.

In order to put a quietus to the controversy in issue, I



deem it fit and proper to direct the District Certificate Officer, Lakhisarai, to consider the objection filed by the petitioner under Section 9 of the Public Demand Recovery Act , 1914 and dispose of the same on merits by a reasoned Order, without being impeded by the issue of limitation, within a period of six weeks from the date of receipt/ production of a copy of this order.

The writ petition stands disposed of on the aforesaid terms.

It is needless to state that till the final order is passed by the District Certificate Officer, Lakhisarai, no coercive steps shall be taken against the petitioner.

(Mohit Kumar Shah, J)

Tiwary/-

