

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7749 of 2020

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Mohammad Ejaz Alam son of Md. Yunus resident of Gandhi Path, Ward No. 8, P.O. and P.S.- Saharsa, District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Building, Patna.
2. The Additional Chief Secretary, Department of Social Welfare, Government of Bihar.
3. The Director, Integrated Child Development Services (ICDS), Government of Bihar.
4. The District Magistrate, Madhepura.
5. The Certificate Officer, Madhepura.
6. The District Program Officer (ICDS), Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Vardhan Narayan, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA 7
		Mr. Gopal Krishna, AC to GA 7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 05-03-2021

Heard learned counsel for the petitioner and learned counsel for the respondents. Learned counsel for the petitioner hereby undertakes to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 01/2020-2021 against the petitioner in terms of Section 7 of the Bihar & Orissa Public



Demands Recovery Act, 1914 (for short, "the Act") for recovery of the dues amounting to Rs. 10,20,000/- are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner in this case is that an FIR in Madhepura P.S. Case No. 423 of 2020 has been instituted against him in connection with recovery of the dues amounting to Rs. 10,20,000/- recoverable in terms of the notice dated 02.06.2020 issued by the District Certificate Officer, Madhepura in Certificate Case No. 01/2020-2021.

4. It is further submitted that an objection petition under Section 9 has already been filed which is pending before the Certificate Officer but without disposing of the same, the FIR has been instituted.

5. With the consent of parties, the present writ petition is disposed of with direction to the District Certificate Officer to consider and dispose of the objection petition under Section 9 of the PDR Act said to have been filed by the petitioner, on its own merits in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Madhepura shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01/2020-2021.



7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	06.03.2021
Transmission Date	-

