

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1661 of 2021

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1. Shamima Khatoon wife of Md. Mustafa, resident of Shyampur Dayal, Madhurapur, Vaishali, P.O.- Madhurapur, P.S.- Bidupur, Bihar- 844503.
 2. Sanjay Kishore son of Baliram Prasad, resident of- tempo stand, Slum- 194 Housing Colony Kankarbagh, Sampatchak, Patna, Lohia Nagar, P.O.- Lohia Nagar, P.S.- Lohia Nagar, Bihar- 800020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, District- Vaishali, Hajipur.
4. The Deputy Development Commissioner, District- Vaishali, Hajipur.
5. The District Certificate Officer, District- Vaishali, Hajipur.
6. The Programme Officer, Bidupur Block, District- Vaishali, Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Saurabh Bishwambhar, Adv.
For the Respondent/s : Mr. Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 01-12-2021 Though, the present writ petition has been filed for quashing the orders dated 30.04.2019 and 22.06.2019 passed by the District Certificate Officer, Vaishali at Hajipur in Certificate Case No. 24 of 2015-16 whereby and where under distress warrant as also attachment warrant have been issued, however, upon being confronted with the order dated 17.9.2019 passed by the District Certificate Officer, Vaishali at Hajipur whereby the



attachment order issued against the petitioners and others has been stayed, the learned counsel for the petitioners has submitted that the District Certificate Officer, Vaishali at Hajipur be directed not to take any coercive steps against the petitioner till passing of the final order under Section 10 of the Bihar and Orissa Public Demand Recovery Act, 1914. It is further submitted that the petitioners undertake to co-operate and appear on each and every date so fixed by the learned District Certificate Officer, Vaishali.

The learned counsel for the State has got no objection in case the time frame is fixed for disposal of the aforesaid Certificate Case in question, however, the petitioner is not co-operating, hence, the matter is lingering, thus a direction be issued to the petitioners to co-operate in the proceedings before the learned District Certificate Officer, Vaishali.

Accordingly, the present writ petition stands disposed of as not pressed, however, we deem it fit and proper to direct that no coercive steps shall be taken by the District Certificate Officer, Vaishali at Hajipur in the aforesaid Certificate Case No. 24 of 2015-16, till the disposal of the same. We further direct that the aforesaid certificate case in question should be concluded and final order be passed, in any case not later than



twelve weeks from today.

It is needless to state that in case the petitioners do not co-operate in the ongoing proceedings before the learned District Certificate Officer, Vaishali at Hajipur, he shall be free to pass ex parte order.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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