

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14835 of 2021

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Amrit Raj S/o- Sushil Kumar Singh R/o- Maharaja Hata, P.S.- Ara Nawada,
District- Bhojpur. Petitioner/s

Versus

1. The State of Bihar Through the Dist. action/ Certificate Officer, Bhojpur at Ara.
2. The Municipal Commissioner of Municipal Corporation Bhojpur at Ara.
... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate
For the Respondent/s	:	Mr.Yogendra Prasad Sinha (AAG 7)
	:	Mr. Rakesh Ambastha (AC to AAG 7)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 29-09-2021 Heard the learned counsel for the petitioner and Sri Rakesh Ambastha, learned AC to AAG 7 appearing for the State.

Though the present writ petition has been filed for setting aside the order dated 26.07.2021, passed by the District Certificate Officer, Bhojpur at Ara, whereby and whereunder Distress warrant has been issued against the petitioner in Certificate case no. 01/2021-22 but the learned counsel for the petitioner has confined his prayer to issuance of a direction upon the said District Certificate Officer to consider the objection filed by the petitioner under ***Section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as “the Act, 1914”)*** and after granting opportunity of hearing to the petitioner, pass the final order under ***Section 10 of the Act, 1914***



and till then, some protection be granted to the petitioner.

Per contra, the learned counsel for the respondent State submits that the District Certificate Officer, Bhojpur at Ara shall definitely pass the final orders under ***Section 10 of the Act, 1914***, after granting appropriate opportunity of hearing to the petitioner.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed of with a direction to the District Certificate Officer, Bhojpur at Ara to pass the final orders under ***Section 10 of the Act, 1914***, in the pending Certificate case no. 01/2021-22 after considering the objection filed by the petitioner under ***Section 9 of the Act, 1914*** as also after granting appropriate opportunity of hearing to the petitioner herein.

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

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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