

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5217 of 2021

Manju Devi, aged about 46 years (Female) Wife of Basuchand Yadav,
Resident of Village -Rasulpur Mobarak, P.S. Mahua, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Departments, Bihar, Patna.
2. The Director of Panchayati Raj Department, Bihar.
3. The District Panchayati Raj Officer, Vaishali at Hajipur.
4. The District Magistrate, Vaishali at Hajipur.
5. The Certificate Officer-cum-Additional Collector, District- Vaishali.
6. The Deputy Development Commissioner-cum-Chief Executive Officer, District- Vaishali.
7. The Sub-Divisional Officer, Mahua, Vaishali.
8. The Deputy Collector, Land Reforms Hajipur, Vaishali.
9. The Block Development Officer-cum-Executive Officer Panchayati Samiti Prakhand, Mahua.

... .. Respondents

Appearance :

For the Petitioner : Mr. Kunwar Ajit Singh, Adv.
For the Respondents : Mr. Satya Vrat AC to GP-10

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

5 05-04-2022 The petitioner seeks quashing of a Certificate Proceeding under Bihar and Orissa Public Demands Recovery Act, 1914 (for brevity 'the Act') whereby a sum of Rs. 4,84,106/- is sought to be recovered from the petitioner and the



then *Panchayat* Secretary, namely, Ram Murti Chaudhary of Rasulpur Mobarak *Gram Panchayat* in the District of Vaishali.

2. It is admitted case of the petitioner that she did not file any objection under Section 9 of the Act despite service of notice of the Certificate proceedings upon her. Learned counsel for the petitioner has argued that the petitioner had sought one-months time by making an application before the Certificate Officer on 27-02-2020 which was not allowed. He has further submitted that there cannot be any joint recovery of the amount from the petitioner with the said then *Gram Panchayat* Secretary of the *Gram Panchayat* without ascertaining the amount recoverable from each of them and without fixing individual liability.

3. We do not find any order on record to demonstrate that the petitioner's request to extend the time for submission of Section 9 objection was ever rejected by the Certificate Officer.

4. The petitioner's contention that in the absence of any ascertainment of amount recoverable from each of the two individuals against whom the Certificate Proceeding has been initiated could be gone into by the Certificate Officer depending upon the nature of objection raised by the petitioner.

5. In the facts and circumstances of the case, we



dispose of the writ application with a liberty to the petitioner to file her section 9 objection within a period of four weeks from today. If any objection is filed by the petitioner within the aforesaid time, the Certificate Officer shall be obliged to consider the same and determine the objections raised by the petitioner before passing a final order.

6. This application stand disposed of with the observation and direction as noted above.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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