

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7078 of 2019

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Md. Nadeemul Ghaffar Siddiqui aged about 50 years, Male, Son of Md. Siddiqui Hussain, resident of Village- Benibari, P.S.- Balia Belon, (Kadwa), District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Rural Development Department, Bihar, Patna.
2. The District Collector cum District Magistrate, Purnia.
3. The District Certificate Officer, Purnia.
4. The Deputy Development Commissioner, Purnia.
5. The Block Development Officer, Dagrua, District- Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-10-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

“1. That the instant writ petition is being filed for quashing the order dated 05.02.2019/11.02.2019 passed by the District Certificate Officer, Purnia whereby the Certificate Case no. 513/18 initiated vide order dated 03.10.2018 whereby the petitioner has been asked to deposit a sum of Rs. 1,75,000/- without determination of the amount in the facts and



circumstances of the case and in teeth of the order dated 19.12.2018 passed by this Hon'ble Court in CWJC No. 24086/18.”

It is not in dispute that the impugned order dated 05.02.2019/11.02.2019, passed by respondent No.3, namely, the District Certificate Officer, Purnia (Annexure-5, Page – 24) is based on the directions issued by the Lokayukta and not on the basis of the proceedings initiated by the concerned department. The order of the Lokayukta is dated 17.03.2017 (Annexure-1, Page -12).

We are of the considered view that the action of the Lokayukta in issuing directions to the Collector for recovery of the amount from the petitioner under the Bihar and Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as the “Act”) are in excess of the jurisdiction of the Lokayukta. This Court has extensively dealt with the ambit and scope of the powers of the Lokayukta in CWJC No. 18903 of 2021, titled as Mithilesh Kumar Singh vs. the State of Bihar and Ors.

As such, we quash the impugned order dated 05.02.2019/11.02.2019, passed by respondent No.3, namely, the District Certificate Officer, Purnia (Annexure-5, Page – 24) reserving liberty to the respondents-State/Department to initiate proceedings, if so required and desired, strictly by complying



with the provision of the Act.

Petition stands disposed of with the liberty
aforesaid.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	20/10/2022
Transmission Date	

