

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15071 of 2017

Uma Shankar Sahu S/o late Deo Kishun Sah Resident of village and P.O. Anaith, P.S. Nawada, Ara, Dist- Bhojpur at Ara, presently posted as Panchayat Sewak, Sandesh, Bhojpur, Ara.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Panchayati Raj, Govt. of Bihar, Patna.
2. The Director, Panchayati Raj, Govt. of Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
4. The District Magistrate, Bhojpur, Ara
5. The District Panchayati Raj Officer, Bhojpur.
6. Sri Sushendra Pal Singh, fathers name not know to the petitioner, the Block Panchayati Raj Officer, Bhojpur, Ara
7. The Sub Divisional officer, Ara, Sadar, Bhojpur.
8. The Block Development Officer, Ara Sadar, Bhojpur
9. The Mukhiya Kadari Panchayat Ara Sadar Dist. Bhojpur
10. Dinesh Kumar Ojha, the present Panchayt Secretary, Kadari Panchayat Bhojpur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Ram Kumar Singh, Adv.
For the State	:	Mr. Kumar Alok, SC-7
		Mr. Prem Ranjan Raj AC to SC-7

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 11-07-2022 Heard learned counsel for the petitioner and learned counsel for the State.

2. Under a communication dated 04-09-2017, the respondent No.4 (District Magistrate, Bhojpur) has directed for lodging of an FIR and initiation of Certificate Proceedings against the petitioner (Panchayat Sewak).The writ application has been filed challenging the said order.

3. After filing of the writ petition, the authorities



instituted *Ara (Muffasil)P. S. Case No. 80* of 2018 against the petitioner on 19-03-2018. This fact, apparently, was not brought to the notice of the Court and, therefore, on 25-04-2018 a *status quo* order has been passed for maintaining *status quo* till the next date of hearing. The fact of lodging of the said police case has been placed on record by way of a supplementary affidavit. The Certificate Proceedings have also, admittedly, been initiated. The petitioner's remedy, if at all, lies by participating in the criminal trial or by filing an objection under Section 9 of the Bihar and Orissa Public Demands Recovery Act,1914 in the Certificate proceedings.

4. The writ application is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

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