

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1861 of 2023

Md Shibli S/o Late Md. Shafique Ahamd, Resident of Village and P.O. and
P.S. Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through D.M. Darbhanga.
2. Block Panchayat Raj Officer, Darbhanga.
3. Block Development Officer Tardih, Dist.- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Shahnawaz Ali, Adv.
For the State	:	Mr. Archana Meenakshee, GP 6
		Mr. Prabhat Ranjan, AC to GP 6

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 22-03-2023

1. The petitioner assails the order passed in the certificate proceeding. After some arguments, learned counsel for the petitioner submits that the order passed by the Additional Collector in certificate case is an *ex parte* order. The petitioner be allowed to move application under Order 9 Rule 13 of C.P.C. for setting aside the *ex parte* order as the petitioner is not responsible for the payment.

2. I have considered the submissions. Provisions of C.P.C. are wholly applicable in PDR proceedings. In view thereof, powers under Order 9 Rule 13 are available to the



Additional Collector for setting aside an *ex parte* order. If any application is moved by the petitioner, giving out cogent reasons for not being present in the proceedings, the Additional Collector is expected to pass a speaking order and examine the matter on merits, if he deems it proper. The petitioner also has a remedy of preferring an appeal in terms of **Section 16** of the **Bihar & Orissa Public Demands Recovery Act, 1914**.

3. Keeping in view thereto, the present writ petition is disposed of.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 25

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

