

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5230 of 2023

Vikash Kumar, Son of Late Sanjay Sharma, Resident of Sareya Ward No.-6,
Block Colony, P.S. and District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Government of Bihar.
2. The Registrar, Co-operative Societies, Bihar, Patna.
3. The Certificate Officer-cum-District Cooperative Officer, Gopalganj.
4. The Ekderwa Primary Agricultural Credit Society (PACS), Gopalganj, through its Chairman, the Ekderwa Primary Agricultural Credit society (PACS), Village and P.O.- Ekderwa, Block- Gopalganj Sadar, P.S. and District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ashish Giri, Advocate Mr. Devashish Giri, Advocate Mr. Sumit Kumar Jha, Advocate Ms. Riya Giri, Advocate
For the State	:	Mr. Mahendra Prasad Verma, AC to SC-20

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 24-04-2023

The petitioner, by way of this writ petition, prays as

under :-

“i) To hold and declare that the Certificate Case bearing no.-01 of 2023 initiated against the petitioner and his brother; namely, Praveen Kumar for recovery of Rs. 1,08,54,448.37 under the provisions of the Bihar and Orissa Public Demands Recovery Act, 1914 is not maintainable and wholly without jurisdiction and thus liable to be quashed.

(ii) To issue a writ/order/direction in the nature of certiorari for quashing the notice dated 07.01.2023 issued under section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914 by the



Certificate Officer-cum-District Cooperative Officer, Gopalganj against the petitioner and his brother, namely, Praveen Kumar for recovery of Rs. 1,08,54,448.37.

(iii) To issue a writ/order/direction in the nature of certiorari for quashing the requisition filed by the Ekderwa Primary Agriculture Credit Society (PACS), Gopalganj upon which the certificate has been signed and certificate case bearing no.-01 of 2023 has been registered against the petitioner and his brother, namely, Praveen Kumar.

(iv) To issue writ /order/direction in the nature of certiorari for quashing the certificate dated 07.01.2023 filed under section 6 of the Bihar and Orissa Public Demands Recovery Act, 1914 under the signature of Certificate Officer-cum- District Cooperative Officer, Gopalganj for recovery of an amount of Rs. 1,08,54,448.37 from the petitioner and his brother, namely, Praveen Kumar as public demand under the provisions of the Bihar and Orissa Public Demands Recovery Act, 1914.

(v) To pass an interim relief/ ex-parte ad-interim relief staying the certificate proceeding bearing no. 01 of 2023 and/or preventing the respondents from taking any coercive action against the petitioner.”

2. Learned counsel for the petitioner submits that the authority who initiated the certificate case, does not have jurisdiction.

3. However, this Court finds that the petitioner has not raised any objection required to be raised under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as ‘the Act’) which would include objection regarding jurisdiction too. Having not raised objections, filing petition directly before this Court would not lie.



4. Granting liberty to the petitioner to raise objections under Section 9 of the Act before the concerned Certificate Officer and with further observation that if such objections are raised, the same shall be decided, on merits, within a period of two months from today before taking any further steps, this writ petition is held to be not maintainable.

5. Accordingly, the writ petition stands dismissed.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.5

AFR/NAFR	
CAV DATE	NA
Uploading Date	27.04.2023
Transmission Date	NA

