

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2031 of 2024

Bishwanath Prasad Verma Son of Late Sheo Nandan Prasad Verma Resident
of Sheo Niketan, Sheopuri, P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Minor Irrigation Department, Government of Bihar, Patna.
3. The Collector Cum District Magistrate Supaul.
4. The Collector Cum District Magistrate, Saharsa.
5. Certificate Officer Cum Director, DRDA Saharsa.
6. The Chief Engineer Minor Irrigation, Bhagalpur
7. The Superintending Engineer, Minor Irrigation Circle, Saharsa.
8. The Executive Engineer, Minor Irrigation Division, Saharsa.
9. The Assistant Engineer, Minor Irrigation Sub Division, Supaul.
10. The Officer In-Charge, Saharsa Police Station, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha, Advocate
For the Respondent/s : Mr.Government Advocate 2
: Mr. Venkatesh Kirti, JC to GA 2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-02-2024 1. Heard learned counsel for the parties concerned.

2. Learned counsel for the petitioner submits that a certificate case bearing Certificate case no. 12 of 2013-14 has been initiated against the petitioner for recovery of a sum of Rs. 1,85,814.61/-. He further submits that the petitioner has disputed the amount and has filed objection under Section 9 of Bihar and Orissa Public Demands Recovery Act, 1914, vide Annexure P/6 but even after filing of objection and



without deciding it, impugned notice of attachment dated 07.02.2023 has been issued by the Certificate Officer- Cum-Director, DRDA, Saharsa. Learned counsel also submits that petitioner has returned the substantial amount prior to initiation of the certificate proceeding.

3. On the other hand, learned counsel for the State submits that the objection of the petitioner must have been considered and disposed off, however, this Court may direct the concerned certificate officer to dispose the objection, if the same has not yet been disposed.

4. Having heard learned counsel for the parties and taking into consideration the nature of dispute, the writ application is disposed with a direction to the Certificate Officer- Cum-Director, DRDA, Saharsa to dispose the objection, filed by the petitioner under Section 9 of Bihar and Orissa Public Demands Recovery Act, 1914, in Certificate case no. 12 of 2013-14, if the same has not yet been disposed. Till the disposal of objection of the petitioner, the operation of the impugned notice dated 07.02.2023 shall remain stayed. However, if the objection under Section 9 of Bihar and Orissa Public Demands Recovery Act, 1914 has already been disposed earlier, the respondents shall be at liberty to proceed



further, pursuant to notice dated 07.02.2023 and in accordance
with law.

(Anil Kumar Sinha, J)

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