

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14520 of 2016

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Ranjan Kumar Ratnakar Son of Sri Sahdeo Prasad resident of village - Bhadasi, Police Station and District Arwal; formerly posted on the Post of Programme officer in Rangra Chowk Prakhand, P.S. Rangra Chowk, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Development, Government of Bihar, Patna
2. District Magistrate, Bhagalpur
3. Deputy Development Commissioner, Bhagalpur
4. Director, Accounts, District Rural Development Agency, Bhagalpur
5. Sri Sanjeev Kumar, then then Senior Deputy Coleletor, Bhagalpur, in - Charge Rangra Chowk Prakhand
6. Smt. Bandana Kumari, District Certificate officer, Bhagalpur
7. Block Development officer, Rangra Chowk Block, District Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mallick, Advocate
For the Respondent/s : Mr.Vikash Kumar- Sc11

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL ORDER

10 16-12-2024

1. The Writ petition is filed with the following

reliefs:-

“.....for quashing the entire certificate proceeding in certificate case No. 4/13-14 initiated under Section 4 of the Bihar & Orissa Public Demand Recovery Act, 1914 including the ex-parte order dated 27.06.2016 contained in Annexure-4 of this petition passed by Respondent No. 6 by which petitioner has been directed to deposit the certificate



amount of Rs. 2,09,166/- within a month otherwise further steps for recovery of the amount shall be taken. However, the Learned court has allowed one month's time for filing appeal. The order is out and out illegal and without jurisdiction passed without affording opportunity of hearing as alleged amount is not a public demand as per Section – 3(6) Schedule-1 of the Bihar & Orissa Public Demand Recovery Act, 1914, therefore, the order is fit to be quashed by this Hon'ble Court.”

2. Without going into the merits of this case, it can be construed that the petitioner has not preferred any appeal provided under the Bihar & Orissa Public Demand Recovery Act. Without availing the remedy of appeal the present Writ petition is filed to quash the certificate proceeding bearing Certificate Case No. 4/2013-14 issued by the 6th respondent.

3. A detailed counter affidavit is also filed by the respondents contending that the Writ petition is itself not maintainable.

4. On perusal of the record, it is evident that



Section 60 of the Bihar & Orissa Public Demand Recovery Act provides for provision of appeal for orders passed under Section 10 of the PDR Act.

5. The Writ petition do not contain any merit for adjudication, therefore, it is dismissed as devoid of merits.

6. However, the petitioner is at liberty to prefer an appeal as provided under Section 60 of the Bihar & Orissa Public Demand Recovery Act. As there is delay in preferring the appeal, he shall file the appeal along with the limitation petition which shall be considered by the authorities while adjudicating the appeal.

(G. Anupama Chakravarthy, J)

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