

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7346 of 2017

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1. Mukesh Kumar and Anr son of Dindayal Ram, resident of Village- Matiyara, Panchayat Beraï, P.S.- Sarai, Dist- Vaishali.
 2. Surya Narayan Sah, S/o Ram Chandra Sah, (Panchayat Secretary), Resident of Village- Bhagwanpur Ratti, P.S.- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director of Panchayati Raj Department, Bihar.
3. The District Panchayati Raj Officer, Vaishali at Hajipur.
4. The District Magistrate, Vaishali at Hajipur.
5. The Certificate Officer-cum-Additional Collector, District- Vaishali.
6. The Deputy Development Commissioner-cum-Chief Executive Officer, District- Vaishali.
7. The Sub-Divisional Officer, Mahuha, Vaishali.
8. The Deputy Collector, Land Reforms Mahuha, Vaishali.
9. The Block Development Officer-cum-Executive Officer, Panchayati Samiti Prakhand, Rajapakar, Vaishal

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kunwar Ajit Singh, Advocate
For the Respondent/s	:	Mr.Manish Kumar, AC to Ex. AAG 6 Incharge AAG 5

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 19-04-2025

1. The petitioners have filed the instant application for the following reliefs:

“(i) For directing and commanding the respondents to quash the Certificate Case No. 184/2014-15 instituted against petitioners as well as the notice



(Annexure -4) issued against them U/S 7 of the Public Demand and Recovery Act by respondent No. 5 The Certificate Officer.

(ii) Pass such other or further order(s) direction(s) as the Hon'ble Court may deem fit and proper in facts and circumstances of the case and to meet the ends of justice.

2. Learned counsel for the petitioners contended that they have filed their objections under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914 before the authority and the same is pending with the Certificate Officer. Further it is contended that without passing the final order under Section 10 of the Act the respondents proceeded with the case.

3. Learned counsel for the respondents reported that he has no objection, if a direction is issued to



Respondent No. 5 to pass necessary orders under Section 10 of the Act duly taking into account the objections filed by the petitioner.

3. Having regard to the above submissions and without going into the merits or demerits of the case, the present writ petition is disposed of directing Respondent No. 5 to pass appropriate orders under Section 10 of the Act within a period of two months from today.

4. It is needless to mention that before passing any order, the authority concerned shall give an opportunity of hearing to the petitioners. Any order passed shall be communicated to the petitioners. Further the petitioners are directed to appear before the Certificate Officer for proper adjudication of the case.



5. Till the passing of the final order by the Certificate Officer, it is directed that no coercive steps shall be taken against the petitioners herein.

6. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.04.2025
Transmission Date	

