

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7512 of 2018

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Brahamma Nand Singh S/o Late Binda Singh R/o Village - Sikandarpur, P.O. Katesar, P.S. Bihta, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Commissioner-cum-Secretary, Department of Revenue, Government of Bihar, Patna
2. Commissioner-cum-Secretary, Department of Revenue, Government of Bihar, Patna.
3. Director Land Acquisition, Government of Bihar, Patna.
4. Collector-cum-District Magistrate, Patna.
5. District Land Acquisition officer, Patna.
6. Certificate Officer-cum-Additional District Magistrate, Law and Order, Patna.
7. Additional District Land Acquisition Officer, Patna.
8. Shiv Kumar Singh S/o Late Binda Singh resident of Village Sikandarpur, P.O. Katesar, P.S. Bihta, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Prasad Bhartee, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 21-01-2025 Heard Learned Counsel for the petitioner and Learned Counsel for the State.

2. The present writ petition has been filed for quashing of the order contained in Letter No.17 dated 31.03.2018 (annexed as Annexure-8) issued from the office of Respondent no.6, by which the petitioner was directed to deposit Rs.22,01,774/- (Twenty Two Lakhs One Thousand Seven Hundred Seventy Four) before 28.04.2018, otherwise,



warrant of arrest and attachment of property would be made against the petitioner.

3. Learned Counsel for the petitioner submits that Annexure-8 has been issued without jurisdiction. He submits that since, certificate proceeding is without jurisdiction, therefore, interference may be made by this Hon'ble Court in this matter and entire proceeding pending before the Certificate Officer-cum-Additional District Magistrate, Law and Order, Patna should be set aside.

4. Learned Counsel for the State on the other hand submits that certificate proceeding has been initiated which is completely in accordance with law and the requisition for initiation of certificate proceeding has been initiated at the level of Land Acquisition Officer, Patna. And therefore, the actual remedy available to the petitioner is by way of filing appeal and not before this Hon'ble Court.

5. After Perusal of Annexure-8, it transpires to this Court that Land Acquisition Officer, Patna has filed the requisition intimating the petitioner to deposit the said amount, otherwise, arrest warrant would be issued. It also transpires to this Court that Annexure-8 has been issued from the Court of Certificate Officer under the Public Demand Recovery Act. It is



made clear that under Public Demand Recovery Act, the provision of filing show-cause is available to the petitioner.

6. Hence, this Court is of the firm view that the petitioner ought to have take remedy available to him under the law itself which is Public Demand Recovery Act by way of filing objection and not before this Hon'ble Court. Therefore, this Court is not inclined to interfere in this matter.

7. Accordingly, this writ petition stands dismissed with liberty to the petitioner that he may file his objection before the Certificate Officer-cum-Additional District Magistrate, Law and Order, Patna and if, it has already been filed, then the Certificate Officer-cum-Additional District Magistrate, Law and Order, Patna shall pass order on the said objection within 90 days from the date of production of this order.

(Dr. Anshuman, J)

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