

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24233 of 2018

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Upendra Ray S/o Fakira Ray Resident of Vill- Tejpur, P.O.- Tejpur, Police Station- Mohiuddinnagar, District- Samastipur, Pin Code- 848502 (Bihar), Ex- Panchayat Secretary Gram Panchayat Chandchaur West, Block- Ujjiarpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Gram Panchayat Raj Vibhag, Government of Bihar, Secretariat, Patna.
4. The District Magistrate, Samastipur.
5. The Chief Executive Officer cum District Board, Samastipur.
6. The S.D.O., Samastipur.
7. The District Certificate Officer, Samastipur.
8. The Block Development Officer, Block- Ujjiarpur, District- Samastipur.
9. The Mukhia Gram Panchayat Raj Chandchaur West, Block- Ujjiarpur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumod Kumar Shrivastaw, Adv.
For the Respondent/s : Mr.P.N. Shahi
Mr. Mritunjay Kumar, AC to Ex-AAG-6

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 08-09-2025

1. The petitioner has filed the Writ petition for the following reliefs:

(a) For setting aside the certificate debtor's notice dated 31.12.2017 as well as the entire proceedings by which the petitioner has been directed to deposit Rs. 1,24,608/- (Rupees One Lakh Twenty



Four Thousand and Six Hundred and eight only) in the Government Account as certificate debtor taken for completion of different government's schemes as mentioned in the notice which also includes the amount of interest Rs. 19008/- is illegal and arbitrary.

(b) For a direction to the respondents not to take any coercive step against the petitioner if he appears before concerned authority with his show cause/any explanation against this notice/proceeding during pendency of this case.

(c) For issuance of any other writ/writs, direction/directions, order/orders, in the ends of justice.

3. On perusal of the records, it is evident that the Certificate Case number has not been mentioned either in the contents of the Writ petition or in the Annexure-1. It has only been mentioned 'Schedule XIV Form No. 52H' at Annexure-1, which was issued against the petitioner.

4. At this juncture, the Learned counsel



for the petitioner seeks indulgence of this Court to grant liberty to file fresh objections under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914 and direct the authority to pass necessary orders duly taking into account the objections filed by the petitioner.

5. The Learned counsel for the respondents submitted that he has no objection, if a direction is given to the concerned authority to pass necessary orders under Section 10 of the Act duly taking into account the objections filed by the petitioner.

6. Having regard to the above made submissions, without going into the merits or demerits of the case, the present Writ petition is disposed of granting liberty to the petitioner to file objections under Section 9 before the concerned authority within a period of four weeks from the date of receipt of this order. On such objections being filed, the authority concerned shall pass necessary orders under Section 10 of the Act as expeditiously as possible preferably within a period



of three months from the date of filing of the objections by the petitioner.

7. It is needless to mention that before passing any order, the authority concerned shall give an opportunity of hearing to the petitioner. Any order passed shall be communicated to the petitioner.

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

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

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.09.2025.
Transmission Date	

