

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7975 of 2025

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Vishwanath Tiwary, son of Late Ram Pati Tiwary, resident of Village Ghorhat,
P.S. Madanpur, District Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Magadh Division, Gaya.
4. The District Magistrate Cum Collector, Aurangabad.
5. The District Panchayati Raj Officer, Aurangabad.
6. The District Certificate Officer Cum District Panchayati Raj Officer, Aurangabad.
7. The Block Development Officer, Deo in the District of Aurangabad.
8. The Block Panchayati Raj Officer, Deo in the District of Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate.

For the Respondent/s : Mr. Government Pleader (24).

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 18-06-2025 Heard the learned counsel appearing on behalf of the

petitioner and the learned counsel for the respondents.

2. As stated by the learned counsel appearing on behalf of the petitioner that pursuant to the notice under Section 7 of the Bihar and Orissa Public Recovery Act, 1914 (hereinafter referred to as, 'the Act') the petitioner has already filed his objection under Section 9 of the Act before the Certificate Officer (Respondent No. 6 herein) and without



passing any final orders the authority has issued a warrant of arrest against the petitioner. Learned counsel states that the issuance of the said warrant is without passing the final order under Section 10 of the Act is illegal, bad and contrary to the provisions of the Act.

3. Having regard to the same, the present Writ Petition is disposed of directing the Respondent No. 6 to pass final orders under Section 10 of the Act after giving opportunity of hearing to the petitioner. The authority while passing the orders shall pass a reasoned order duly taking into consideration the objection filed by the petitioner. Any orders passed shall be communicated to the parties.

4. Till such time final orders are passed, no coercive steps shall be taken against the petitioner.

5. It is also made clear that if the petitioner does not cooperate with the passing of the final order, the authority is free to take appropriate action.

(A. Abhishek Reddy, J)

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