

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8037 of 2017

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1. Kailash Rai son of Late Bindeshwar Rai, resident of Village- Allipur, Panchayat Bhalui, P.S.- Rajapakar, Dist- Vaishali.
 2. Devanand Singh, S/o Late Upendra Singh, (Panchayat Secretary), Resident of Village- Chamraha, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Panchayati Raj Departments, Bihar, Patna
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 : Smt. Archana Meenakchee -GP 6

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

Date : 08-04-2025

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. 194/2014-15 instituted against her as well as the notice (Annexure -4) issued against her 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 was pending with the Certificate Officer. Further it is contended that without passing the final order under Section 10 of the Act Warrant of Arrest was issued against the petitioners and, therefore, prayed to set aside the order of Warrant of Arrest.

3. Learned counsel for the respondents reported that he has no objection, if a direction is given to the respondent No. 5 to pass necessary orders under Section 10 of the Act duly taking into account the objections filed by the petitioners.

3. Having regard to the above made



submissions, without going into the merits or demerits of the case, the present writ petition is disposed of directing the Respondent No. 5 to pass appropriate orders under Section 10 of the Act within a period of three 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	08.04.2025
Transmission Date	

