

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7810 of 2017

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Ram Ruchi Devi Wife of Late Ajay Singh Resident of Village - Dhandhar,
P.S. - Wazirganj, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Gaya
2. The District Certificate Officer, District - Gaya.
3. The Sub Divisional Officer, District - Gaya.
4. The Special Land Acquisition Officer, Flood Security Planning, Patna.
5. The Circle Officer, Wazirganj, District - Gaya.
6. Sunil Singh Son of Late Ramashreya Sharma Resident of Village -
Dhandhar, P.S. - Wazirganj, District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Rama Kant Sharma, Sr. Advocate Lakshmi Kant Sharma Mayank Raj Avinash Kumar
For the Respondent/s	:	M/s Rishi Raj Sinha- SC 19 Saurabh Kumar, AC to SC 19

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 08-09-2025

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

“For issuance of appropriate writ/ writs, order/ orders, direction/ directions for quashing final 31.01.2017 passed in Certificate case No. 1/2013- 2014 by the Certificate Officer, Gaya whereby and whereunder the Certificate Officer rejected the objection petition of the petitioner on



the ground that the petitioner has not submitted the documents related the land in question with the order of the learned Civil Judge-VII, Gaya and further order to deposit the certificate amount within a week whereas the petitioner submitted the relevant documents but the learned Certificate Officer ignoring the same passed the impugned order.

Petitioner further prays for any other relief/ reliefs, for which petitioner found entitled in the eye of law and in the facts and circumstances of the present case.”

2. The brief facts as culled out of the petition are that the petitioner is the daughter-in-law of Late Yadu Singh, whose ancestral property fell into her share under a family arrangement. The land in question i.e., part of plot no. 3084 (area 46 decimals out of total 90 decimals), was acquired for the construction of the Jagatpur Canal, and the petitioner received compensation of Rs. 2,18,093/- on 25.08.2011. It is submitted that no co-parcener objected for the compensation, and land



possession certificate was also issued in her favor after verification by authorities. Further, the petitioner's entitlement was also confirmed by a partition decree in Title Suit No. 300/04 on 14.12.2012, with final Takhtabandi prepared on 31.08.2014 and decree was dated 05.11.2016.

3. It is also submitted that despite this, the Special Land Acquisition Officer initiated certificate proceedings for recovery of the said compensation amount, based on the objection filed by a private party. It is further submitted that the petitioner approached the Hon'ble Court by filing CWJC No. 645 of 2015, and this Court granted liberty to the petitioner to file objections under Section 9 of the Bihar Public Demand Recovery Act. Thereafter, the petitioner filed objections and appeared through her advocate, but the Certificate Officer failed to consider the same and mechanically issued a warrant of arrest without proper consideration.

4. The Learned counsel for the petitioner submitted that the impugned order is



liable to be quashed as it was passed mechanically without considering the decree and other documents which conclusively established the petitioner's ownership and entitlement for compensation amount.

5. It is submitted that the recovery proceeding is wholly unjustified in view of the final decree and possession certificates which have attained finality.

6. The Learned counsel for the petitioner lastly submitted that the Certificate Officer's refusal to consider these facts is highly arbitrary and contrary to law.

7. A detailed counter affidavit was filed on behalf of the respondent Nos. 1 to 3 and 5 stating therein that the Certificate Case No. 01/2013-14 was initiated based on the complaint of a private party alleging illegal receipt of compensation by the petitioner.

8. It was argued that sufficient opportunities were afforded to the petitioner to adduce documents and written submissions and,



thereafter, the Certificate Officer passed the final order dated 31.01.2017, for recovery of the amount after considering the available records, including objections by parties. Subsequently, on receipt of a letter dated 01.06.2017 from the Special Land Acquisition Officer directing the matter to be kept in abeyance (as the acquired land was allotted to another party by a final decree), the certificate proceeding was, accordingly, kept in abeyance vide order dated 20.06.2017.

9. It is further submitted that no further steps have been taken to enforce the recovery since then. Thus, the petitioner had no cause of action to file the present writ petition after such a long delay, and the petition is devoid of merit and liable to be dismissed.

10. Heard the Learned counsel for the petitioner as well as the Learned counsel for the State and perused the records.

11. On perusal of the records, it is clear that the petitioner holds a final decree in her favor



regarding the disputed land, and no appeal was filed against the decree. The possession certificate issued in her favour has also attained finality. The Certificate Proceedings cannot be initiated against the petitioner, basing on the complaint / objection filed by a private party. Further the Certificate Officer without considering the documents passed the impugned order dated 31.01.2017 (Annexure-1), which is liable to be set aside.

12. Considering the above facts and submissions, the writ petition is allowed, and the impugned order dated 31.01.2017 (Annexure-1) is set aside.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.09.2025
Transmission Date	

