

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13464 of 2025

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Md. Sabir @ Mohammad Sabir Son of Late Ghulam Nabi, R/o village-
Ajochak, P.O.- Mahmuda, P.S.- Khudaganj, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Principal Secretary, Revenue Department,
Government of Bihar, Patna.
2. The Commissioner, Magadh Pramandal, District- Gaya.
3. District Magistrate, Jehanabad.
4. The Additional Collector (Department Enquiry) cum Certificate Officer,
Jehanabad.
5. The Station House officer, Khudaganj, Nalanda.
6. The District Certificate Officer, Jehanabad, District- Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vardaan Mangalam Mr. Dinu Kumar
For the Respondent/s	:	Mr. Kumar Pankaj, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 16-12-2025
1. Heard learned counsel for the parties concerned.
 2. The present writ application has been filed for
quashing the notice, dated 05.07.2025, issued under Section 7 of
the Bihar & Orissa Public Demand Recovery Act (in short
“PDR Act”), 1914, by the Certificate Officer, Jehanabad,
whereby certificate amount of Rs. 17,77,861/- with 12% interest
per annum has been fixed for realization from the petitioner.
 3. Mr. Dinu Kumar, learned counsel for the



petitioner submits that the petitioner was posted as Nazir in the Office of Circle Officer, Ghosi, and for misappropriation of a sum of Rs. 17,77,861/- First Information Report, bearing Ghosi Police Station Case No. 296 of 2017, was lodged against the petitioner under Sections 420 and 409 of the Indian Penal Code.

4. The petitioner was also served with a notice under Section 7 of the Public Demand Recovery Act by the Certificate Officer, Jehanabad, in Certificate Case No. 01 of 2017-18 for realization of certificate amount of Rs. 17,77,861/-. The petitioner filed objection under Section 9 of the Public Demand Recovery Act on 12.02.2018 denying the liability. However, without deciding the objection of the petitioner, bailable warrant of arrest was issued against him. The petitioner, being aggrieved by the same, approached this Court in CWJC No. 22428 of 2018 and this Court vide its order, dated 20.12.2018, directed the District Certificate Officer, Jehanabad, to consider the objection filed by the petitioner under Section 9 of the Act, 1914, and pass the final order under Section 10 of the Bihar and Orissa Public Demand Recovery Act, 1914. The Court further directed that no coercive action shall be taken against the petitioner till passing of the final order by the District Certificate Officer, Jehanabad.

5. Even after lapse of about seven years, the District



Certificate Officer, Jehanabad, has not decided the objection filed by the petitioner under Section 9 of the PDR Act and no final order has been passed under Section 10 of the Act and suddenly, issued another notice under Section 7 of the Public Demand Recovery Act against the petitioner for realization of the aforesaid amount of Rs. 17,77,861/- with interest which has been annexed at Annexure-P/9 and P/10.

6. Accordingly, the submission is that without deciding the objection, filed by the petitioner earlier, issuance of another notice for realization of the sum of Rs. 17,77,861/- is not in accordance with the provisions of Bihar and Orissa Public Demand Recovery Act.

7. On the other hand, Mr. Kumar Pankaj, AC to SC-5, argued that in fact one Dharmendra Kumar, who was the contractor, had performed certain works in the block amounting to Rs. 5,00,550/-. Since, the petitioner, being Nazir at the relevant point of time, had withdrawn the amount payable to the said Dharmendra Kumar and did not pay the same to Dharmendra Kumar, accordingly, the District Certificate Officer, Jehanabad, has issued notice to the petitioner in order to decide the claim of the Dharmendra Kumar as per the direction of this Court for payment to him in the writ application, bearing



CWJC No. 2901 of 2017, dated 01.08.2025.

8. Considering the rival submissions advanced by the parties and the fact that notice under Section 7 of the PDR Act has been issued by the District Certificate Officer, Jehanabad, in the same case, bearing Certificate Case No. 01 of 2017-18 in which the petitioner has already filed his objection which is pending for consideration and final disposal, I feel it expedient to direct the petitioner to file a supplementary objection before the concerned District Certificate Officer pursuant to the impugned notice within a period of three weeks.

9. If such a supplementary objection is filed by the petitioner, the respondent no. 6-District Certificate Officer, Jehanabad, shall be obliged to dispose the objection, along with supplementary objection, of the petitioner in accordance with law after giving opportunity of hearing to all concerned within a period of two months from the date of filing of supplementary objection.

10. It is made clear that in terms of direction passed by the Co-ordinate Bench of this Court in CWJC No. 22428 of 2018, the interim protection shall continue till the passing of the final order by the District Certificate Officer, Jehanabad, under Section 10 of the Public Demand Recovery Act.



11. With the aforesaid observations and directions,
this writ application is, accordingly, disposed.

(Anil Kumar Sinha, J)

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