

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13588 of 2018

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M/s S. S. Construction P Limited Son of Late Jagdev Rai, Resident of Village-
Balbhadrapur, Laheria Sarai, District Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Engineer-in-Chief um Additional Commissioner Cum Special Secretary
R.C.D., Bihar, Patna.
3. The Executive Engineer Road Construction Department Road Division,
Madhubani.
4. District ----- Officer Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dudh Nath Singh, Adv.
For the Respondent/s	:	Mr.Uday Shankar Sharan Singh- Gp19
	:	Mr. Swapnil Kumar singh, AC to GP 19

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 11-07-2025

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

*(I) For issuance of order/
orders or direction/directions or
writ/writs particularly in the nature of
certiorari for quashing the notice as well
as certificate issued in connection with
Auction Case No. 02 of 2017-18 under
the signature of District Certificate
Officer, asked Madhubani by which he
asked to deposit Rs. 5,18,18,915.00
(Five Crore Eighteen lacs, eighteen
thousand nine hundred and fifteen*



rupees) in his office or show cause for non compliance within a period of 30 days after receipt of notice without proper compliance of necessary formalities of section 4 of B&O Public Demands Recovery Act 1914 against certificate debtor (i.e. petitioner).

(ii) For issuance of a writ in the nature of mandamus for directing and commanding the Respondent authority to first comply their own order contained in Memo No. 4975(C) dated 31.12.2009 with stating the benefit of clause 10 C of SBD with effect from the date of execution of work under contract for widening and strengthener of road from Madhepur-Jamuría Andhrathari in connection with letter no. 02.10.2007 issued under the signature of the Engineer-in-Chief cum Additional Commissioner cum Special Secretary Road Construction Department, Bihar, Patna.

(iii) For any other incidental and consequential relief to which the petitioner is found fit under the facts and circumstances of this case.

2. At the outset, 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.

3. 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.

4. 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 today. On such objections being filed, the authority concerned shall pass necessary orders under Section 10 of the Act.

5. 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. The entire exercise shall be completed as expeditiously as possible preferably within a period of three months from the date of filing of the objections by the petitioner.

6. 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.

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

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.07.2025.
Transmission Date	

