

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6510 of 2017

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Rajendra Singh S/o Late Chhedi Singh R/o Village - Shivanpur, P.O. - Ankorha, P.S. Nabinagar, District - Aurangabad Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through Collector, Aurangabad (Bihar)
2. The District Certificate Officer, Aurangabad Bihar.
3. Sabitri Devi W/o Shri Awadh Prasad Singh R/o Village - Rampur, P.O. - Ankorha, P.S. - Brem O.P. Nabinagar, District - Aurangabad Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Dhaneshwar Prasad Gupta
Lal Bahadur Singh, Advocates

For the Respondent/s : Mr. Navnit Kumar AC to GP 18

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

Date : 11-04-2025

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

“That the present writ application is being filed for issuance of appropriate writ of mandamus and any other writ or writs, command, direction/directions to the respondent authorities to set aside the order of recovery of amount paid in lieu of land acquired by N P G C to the petitioner, for which a notice dated 23-1-2017 in Certificate case no. 01/16-17 (Annexure-5) has been issued by the learned District Certificate Officer,



Aurangabad (Bihar) to refund the amount as the same has been obtained by means of forge and fabricated documents as alleged by the Respondent no.-3 and be further pleased to stay the entire proceeding and operation of order of recovery in connection with Certificate case no. 01/16-17 during the pendency of this writ petition and be further pleased to pass any other appropriate order/orders as your lordship may deem fit and proper in the interest of natural justice and fair play.”

2. Learned counsel for the petitioner contended that he has filed his 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 any appropriate order on petition under Section 9 of the PDR Act, the order of recovery of compensation amount has been passed, therefore, prayed to set aside the same.

3. Learned counsel for the respondents



submitted that he has no objection, if a direction is given to the respondent No. 2 to pass necessary orders under Section 10 of the Act duly taking into account the objections filed by the petitioner.

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. 2 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 petitioner. Any order passed shall be communicated to the petitioner. Further the petitioner is 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 petitioner herein.

6. Interlocutory Application(s), if any, shall



stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.04.2025
Transmission Date	

