

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8056 of 2017

1. Arun Kumar Singh Son of late Janardhan Singh, Resident of Village-Bariyarpur, Panchayat- Bishunpur Balbhadra, P.S. Rajapakar, District-Vaishali.
2. Arjun Prasad Singh, S/o Late Daroga Singh (Panchayat Secretary), Resident of Village- Fatehpur Choupai, P.S. Mahua, 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 Vaishlai 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, Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kunwar Ajit Singh, Advocate
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG 6

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 24-03-2025

1. During the course of argument, it is reported to the Court that Petitioner No. 1 died two years back and no steps were taken to bring



the legal heirs of the petitioner no. 1 on record.

2. On perusal of the record, it is evident that notice under Section 7 was issued against the petitioner no. 1 as well as against the petitioner no. 2 and the Writ petition is filed challenging the notice. Objection was not filed by the 2nd petitioner before the authority under Section 9 of the Public Demand Recovery Act.

3. The petitioner(s) has filed the instant application for the following reliefs:

“(i) For directing and commanding the respondents to quash the Certificate Case No. 190/2014-15 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.



4. At the outset, the Learned counsel for the petitioner No. 2 seeks indulgence of this Court to grant liberty to file the 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 No. 2.

5. The 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 petitioner No. 2.

6. 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 No. 2 to file his objections under Section 9 before the Respondent No. 5 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.

7. It is needless to mention that before



passing any order, the authority concerned shall give an opportunity of hearing to the petitioner No. 2. Any order passed shall be communicated to the petitioner No. 2. The entire exercise shall be completed as expeditiously as possible preferably within a period of two months from the date of filing of the objections by the petitioner No. 2.

8. Till the passing of the final order by the Certificate Officer, it is directed that no coercive steps shall be taken against the petitioner No. 2 herein.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.03.2025
Transmission Date	

