

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18706 of 2024

Satish Chandra Prasad Singh Son of Ram Chandra Singh Proprietor of Jai Mahaveer Dal Mil Thok Urwarak Bikreta Resident of Village-Paruhar, Panuhar, P.S. Ayarkotha, District-Rohtas, Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate-Cum-Collector, Rohtas, Sasaram.
2. Bank of India, Jamuhar through the Branch Manager, Jamuhar P.S. Dehri (Muffasil) District-Rohtas, Sasaram.
3. The Branch Manager, Bank of India Jamuhar P.S. Dehri Mufasir District-Rohtas, Sasaram.
4. The Certificate Officer-Cum-Sub Divisional Officer, Dehri, District-Rohtas, Sasaram.
5. Officer-in-Charge, Ayarkotha, P.S. Ayarkotha District-Rohtas, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Adv. Mr. Shivam Singh, Adv. Mr. Kumar Vikram, Adv. Mr. Amarendra Kumar, Adv.
For the Respondent/s	:	Mr. Standing Counsel (3)
For the State	:	Mr. Sunil Kr. Mandal, SC -3 Mr. Arjun Prasad, AC to Sc-3

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 11-04-2025 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

“I. that the present writ application is being filled in the nature of Certiorari for quashing the notice dated 13.06.2024 bearing certificate case no. 22/24-25 issued under the signature of District Certificate Officer-cum-sub Divisional Officer, Dehri by which notice under Section-7 of the Bihar and Orissa Public



Demand Recovery Act, 1914 (therein after referred as “PDR Act”) has been issued for recovery of the amount to the tune of Rs.16,97,245/-; on the ground that the said notice issued to the petitioner is without jurisdiction as neither form no.1 nor form no.2 has been issued/ attached in the said notice;

II. That the present writ application is being in the nature of Certiorari for quashing the distress arrest warrant issued dated 28.10.2024 by which District Certificate officer, Dehri has issued warrant to arrest the petitioner for recovery of the amount to the tune of Rs.16,97,245/-; on the ground that the due process of law has not followed by the District Certificate Officer and the warrant of arrest without following due process of law and without passing the final judgment under Section-10 has been issued which is incorrect and unsustainable in the eye of law.

III. The present writ application is being filed in the nature of mandamus for a direction to the District Certificate Officer, Dehri to bring on record form no.1 and 2 if prepared and further to quash the same as the same is with regard to the disputed amount and such recovery cannot be made under the provisions of the PDS Act, 1914.”

3. It is the case of the petitioner that the notice under
Section 7 of the Bihar and Orissa Public Demand Recovery Act,



1914 is bad in law as the officer has not annexed the certificate of demand as mandated under the said provisions of law. Learned counsel has stated that without issuing the notice under Section 7 of the Bihar and Orissa Public Demand Recovery Act, 1914 in the proper form and attaching the requisite documents, the petitioner is not in a position to file his objections. Further, it is stated that the distress arrest warrant has been issued against the petitioner straightaway without passing any orders under Section of the Act.

4. In the counter affidavit filed by the respondents, though an averment has been made that the certificate of demand has been annexed to the form-7, the copy of the same has not been annexed along with the said counter affidavit.

5. Having regard to the same, this Court is of the opinion that the ends of justice would be met if the Certificate Officer is directed to furnish the copy of the certificate of demand and any other documents that they rely on to the petitioner within a period of one week from the date of receipt of the copy of this order. On such copy being furnished, the petitioner shall file his objections to the Section 7 notice within a period of three weeks thereof. The Certificate Officer on receipt of the objections filed by the petitioner under Section 9



of the Act shall pass orders on merits and in accordance with law under Section 10 of the Bihar and Orissa Public Demand Recovery Act, 1914 within a period of twelve weeks thereof. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the parties. Till such time the final orders are passed, no coercive steps to be taken. In case the petitioner does not appear after service of a copy of the notice under Section 7 along with the certificate of demand and other documents, the authorities are free to take necessary action in accordance with law.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Gauravkr/-

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