

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15588 of 2019

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Vishwanath Thakur Suman Son of late Munshi Thakur Resident of Village-
Jarang, Rampur, P.S. Paterhi Belsar, (O.P.), 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, Vaishali 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, Patedhi Belsar, Vaishali.

1 Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kunwar Ajit Singh, Advocate
For the Respondent/s	:	Mr. P.N. Shahi (AAG6)
		Mr. Sanjeet Kumar Singh Acto AAG6

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

3 15-07-2026 1. The Writ petition is filed for the following
reliefs:

(i) For directing and commanding the respondents to quash the Certificate No. 116/2014-15 instituted against her as well as the notice (Annexure-4) issued against her U/S 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.

2. The brief facts, as culled out from the Writ petition, are that the petitioner received a notice under Section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914. Thereafter, the petitioner filed an objection before the Certificate Officer denying the liability and produced the relevant documents in support of his case under Section 9 of the Act, but the Certificate Officer has not passed any order till date. Being aggrieved by the same, the present Writ petition has been filed.

3. A detailed counter affidavit has been filed by the Learned counsel for the respondents. The contents of the counter affidavit disclose that the petitioner was earlier posted as Panchayat Secretary at Sarmastpur, Mahnar Block, Vaishali, Hajipur. On the allegation of purchase/installation of solar lights at a higher price than the price fixed by BREDA for the period 2005-06 to 2011-12, an



enquiry committee headed by the DCLR, Vaishali submitted a report stating that the solar lights had been purchased at a higher price. Therefore, on the basis of the enquiry report, the then Block Development Officer, Mahnar, issued a notice to the petitioner vide Letter No. 1585 dated 11.10.2014, but no reply was furnished by the petitioner. As a result, the then Block Development Officer, Mahnar, sent a requisition to the District Certificate Officer, Vaishali, which was verified, and Certificate Case No. 116/2014-15 was registered for recovery of the differential amount of Rs. 1,77,222/- towards the purchase of solar lights. Accordingly, notice under Section 7 of the PDR Act was issued to the petitioner vide order dated 06.10.2014, which was served upon the petitioner on 28.11.2014.

4. The counter affidavit further disclose that the petitioner appeared before the Certificate Officer on 27.12.2018 and requested that the proceeding be stayed during the pendency of the Writ petition. Taking the same into consideration,



the Certificate Officer fixed the matter on 15.05.2019, but the petitioner did not appear. Thereafter, on 05.08.2019, the petitioner appeared before the Certificate Officer and filed his objection. The Certificate Officer fixed the next date, i.e., 05.11.2019, for hearing on the petition filed by the petitioner. Subsequently, the matter was also fixed on 17.01.2020 for further hearing. As the petitioner did not appear before the authority thereafter, no order has been passed under Section 10 of the Act.

5. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

6. Taking into consideration that the certificate proceeding could not progress due to the non-appearance of the petitioner, this Court directs the petitioner to appear before the Certificate Officer within one month from the date of receipt of this order. In turn, the Certificate Officer shall pass an appropriate order under Section 10 of the PDR Act, after hearing the



petitioner, within three months from the date of his appearance.

7. Till then, no coercive action shall be taken against the petitioner by the Certificate Officer.

8. With the aforesaid observations, the Writ petition stands disposed of.

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

(G. Anupama Chakravarthy, J)

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