

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24260 of 2018

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Gopal Prasad, Son of Jamuna Singh, resident of Village and Post- Bhadeji,
Police Station -Mufassil and District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Gaya.
2. The Additional Collector- cum-Auction Sale Officer, Gaya.
3. The Jail Superintendent, Central Jail, Gaya.
4. Indian Tourism Development Corporation, Patna through its Estat Officer,
Veerchand Patel Path, Police Station- Kotwali, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No, Adv.
For the Respondent/s : Mr. Sheo Shankar Prasad, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL ORDER

9 17-07-2026 **1.** The Writ petition has been filed for the
following reliefs:-

*(i) For setting aside the
order dated 09.10.2018/10.10.2018
passed by Respondent No. 2
(Auction Sale Officer, Gaya)
whereby and where under
application dated 29.09.2018 for
release of the petitioner from Civil
Prison has been rejected.*

*(ii) For issuance of direction
to the respondent authorities to
release the petitioner from the
custody in connection with
Certificate Case No.-04/2010-11.*



(iii) And/or for any other relief or reliefs to which the petitioner may be found entitled encourse of hearing of this writ application.

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

3. It is the specific contention of the Learned counsel for the petitioner that petitioner has not received any notice under Section 7 of the Bihar & Orissa Public Demand Recovery (PDR) Act, therefore, he could not appear.

4. However, the record reveals that the Learned counsel for the Respondent Nos. 1 and 2 filed an additional counter affidavit, which disclose that a notice under Section 7 of the Bihar & Orissa Public Demand Recovery (PDR) Act was served upon the petitioner's wife Smt. Sindhu Devi, and the process server reported about the service of the said notice on 12.02.2011. Subsequent to that, neither the petitioner appeared before the officer nor filed any objection. Having no option left, the



Certificate Officer, Gaya issued a warrant of attachment of property on 05.11.2011.

5. In order to end the litigation between the parties, this Court directs the petitioner to file an objection under Section 9 of the PDR Act before the Certificate Officer, Gaya within one month from the date of receipt of this order. In turn, the concerned authority shall pass an appropriate order in accordance with law within a period of three months from the date of filing of the objection.

6. With the aforesaid observations, the Writ petition is disposed of.

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

8. In the meantime, no coercive steps shall be taken against the petitioner.

(G. Anupama Chakravarthy, J)

Manish/-

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