
(2019) 12 PAT CK 0265

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 25252 Of 2019

Murari Rai

APPELLANT

Vs

State Of Bihar Through Principal Secretary And Ors

RESPONDENT

Date of Decision : 17-12-2019

Acts Referred:

Public Demand Recovery Act, 1913 — Section 9

Citation : (2019) 12 PAT CK 0265

Hon'ble Judges : Ashutosh Kumar, J

Bench : Single Bench

Advocate : Jai Prakash Singh, Upendra Pratap Singh, Shailendra Kumar Singh

Final Decision : Disposed Of

Judgement

1. The petitioner has challenged the order dated 28.05.2015 and 14.10.2019 passed in Certificate Case No. 93/2014-15, whereby the Certificate Officer, Rohtas has issued distress warrant against the petitioner without affording any opportunity to him to file his objection under Section 9 of the Public Demand Recovery Act, 1913 (in short the Act).

2. It has been submitted on behalf of the petitioner that no notice was issued to him for preferring any objection petition under Section 9 of the Act.

3. As opposed to the aforesaid contention, learned counsel for the State submits that deliberately the notice has been avoided by the petitioner so as to prevent the Certificate Officer from passing any order.

4. In any view of the matter, this Court, under the aforesaid circumstances, provides that if the objection petition under Section 9 of the Act, in the format provided for the same, is filed within a period of four weeks before the concerned Certificate Officer, the same shall be entertained and disposed off before the proceeding ahead in the matter.

5. In the meanwhile, the order issuing distress warrant, which has been

challenged in the present petition, shall remain in abeyance.

6. If the objection petition is not filed, it would be open for the Certificate Officer to proceed against the petitioner in accordance with law.

7. With the aforesaid observation/direction, the writ petition stands disposed off.