

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Writ Jurisdiction)
W.P. (C) No.2551 of 2025

Gulam Mustafa, aged about 42 years, son of Md. Mukhtar, resident of Village Chhatarbar, P.O.-Karma, P.S. Koderma, District Koderma, (Jharkhand) **Petitioner(s)**

Versus

1. State of Jharkhand through Secretary, Panchayati Raj, Government of Jharkhand, Ranchi, Project Building, Dhurwa, P.O. and P.S. Dhurwa, District Ranchi.
2. Deputy Commissioner, Koderma, P.O.+P.S. & District – Koderma.
3. The District Certificate Officer, Koderma, P.O.+P.S. & District – Koderma. **Respondent(s)**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner(s) : Mr. Sahil, Adv.

For the Respondent(s) : Mr. Amitesh Kr. Geasen, A.C. to A.A.G.-IA

08/Dated: 19th January, 2026

1. The present writ petition has been filed for following reliefs:-
 - “(i) For issuance of an appropriate Writ, Rule, Order, Direction commanding upon the respondents and refraining them from taking any coercive steps against the petitioner pursuant to the Notice 02.05.2022 dated in Certificate Case No.02 of 2022-23 whereby the petitioner alongwith two other persons have been directed to show cause as to why certificate of recovery under the Bihar and Orissa Public Demand Recovery Act should not be issued against them amounting to Rs. 23,23,649/-.
 - (ii) For a direction upon the Respondent No.3 to decide the Certificate Case after considering the objection filed by the petitioner before the Certificate Officer.
 - (iii) For issuance of a writ in the nature of certiorari for quashing of the order dated 22.05.2025 passed in Certificate Case No.02 of 2022-23 passed by District Certificate Officer alongwith Memo No.414 dated 22.05.2025 issued District Certificate Officer whereby and whereunder without following the provisions contained in Bihar and Orrisa Public Demand Recovery Act the petitioner has been held liable to pay the entire certificate amount within a period of 90 days.
 - (iv) For stay of operation and implementation of order dated 22.05.2025 during pendency of the instant writ petition.”

2. The order dated 24.07.2025 reads as under:-

“I.A. No.7115 of 2025

The instant interlocutory has been filed impugning the order dated 22.05.2025 contained in memo number 414 whereby the petitioner has been directed to deposit the entire amount within 90 days.

2. Considering the nature of dispute and the cause of action, the present interlocutory application is allowed.

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3. Petitioner is directed to file an amended writ petition within a week.

4. Respondents are directed to file response to the same.

5. It has been submitted that the said direction has been issued without adjudication i.e., without disposing the objection raised under Section 9 of the Bihar and Orissa Public Demands Recovery Act.

6. Put up this case on 11.09.2025

7. Till the next date of hearing, no coercive steps shall be taken against the petitioner in connection with order dated 22.05.2025 passed in Certificate Case No. 02 of 2022-23 by the District Certificate Officer, Koderma.”

3. The claim has been raised by the petitioner that Section-9 of the Bihar and Orissa Public Demands Recovery Act has not been considered by the authorities till date which is *sine qua non*.

4. In that view of the matter and considering the fact that in spite of opportunity given no response has been filed by the respondents.

5. In view of above, the present writ petition is hereby disposed of directing the respondents to consider the objection raised under Section-9 of the Bihar and Orissa Public Demands Recovery Act, within four weeks from today.

6. The respondents are directed to proceed further only after disposal of the said objection.

7. The petitioner is at liberty to work out his further remedy in accordance with law.

(Rajesh Kumar, J.)

Dated: 19th January, 2026

Amar/-

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