

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).8425/2006

(From the judgement and order dated 02/12/2005 in  
of The HIGH COURT OF JHARKHAND AT RANCHI)

LPA No. 411/2004

JITENDRA KUMAR RAY

Petitioner(s)

VERSUS

STATE OF JHARKHAND & ANR.

Respondent(s)

(With appln(s) for restoration and prayer for interim relief and office  
report ))

Date: 09/08/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)

Mr. Amit Pawan, Adv.  
Mr. Prakash Kumar, Adv.

For Respondent(s)

Mr. Gopal Prasad, Adv.  
Mr. Sanjeev Malhotra , Adv

UPON hearing counsel the Court made the following  
O R D E R

Leave granted. The appeal is disposed of in  
term of the signed order.

(Ganga Thakur)  
PS to Registrar

(Juginder Kaur)  
Court Master

Signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6496 OF 2010  
(Arising out of SLP(C) No.8425/06)

JITENDRA KUMAR RAY

Appellant (s)

VERSUS

STATE OF JHARKHAND & ANR.

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 13th December, 2005, passed by the Division Bench of the Jharkhand High Court, in L.P.A. No. 411/04, dismissing the appeal and upholding the order passed by the learned Single Judge in the writ petition filed by the respondent. By his order dated 6 th April, 2004, the learned Single Judge dismissed the writ petition on the ground that the appellant had not denied his liability with regard to payment of the certificate dues and had only challenged the legality of the certificate proceedings on various grounds.

Before us it has been urged on behalf of the appellant that the copy of the certificate which is the very basis of the proceedings, had not been correctly served by the Certificate Officer, Ranchi, in terms of Section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914. Section 7 entails that along with

-2-

the notice, a copy of the certificate is to be served on the certificate debtor. Admittedly, in this case only the notice was served and the same was accompanied by a copy of the certificate which was filed in the office of the Certificate Officer under Section 4 of the aforesaid Act. The matter may be technical in nature, but in view of the stringent nature of the provisions, the provisions relating to certificate is to be strictly construed and complied with. Accordingly, we set aside the order of the Division Bench as also the learned Single Bench of the High Court, and remand the matter to the Certificate Officer for fresh determination after a copy of the Certificate filed in his office is provided to the appellant forthwith and thereafter the Certificate

Officer shall proceed afresh in the matter.

Liberty is given to the appellant to file fresh objections on receipt of copy of the Certificate.

The appeal is disposed of.  
order as to costs.

There will be no

.....J.  
( ALTAMAS KABIR )

.....J.  
( A.K. PATNAIK )

New Delhi,  
August 09, 2010.