

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10929 of 2025

Manju Devi, wife of Late Vijay Kumar resident of village- Gangapur, PS-
Hulasganj, District-Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Rural Development department Govt of Bihar, Patna.
2. The District Development Commissioner-cum- Chairman District Rural Development Agency, Nalanda at Bihar Sharif.
3. The Certificate officer -cum-Director District Rural Development Agency, Nalanda at Bihar Sharif.
4. The Director Account Administration and Self Employment -cum-Planning officer District Rural Development Agency, Nalanda at Bihar Sharif.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate.

For the Respondent/s : Mr. Government Pleader (22)

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 01-07-2026

Heard the learned counsel for the parties.

2. The present Writ Petition has been filed for the following relief(s):-

“(i) For quashing of the certificate proceeding vide certificate Case No 10/2006-07 in which warrant has been issued vide memo No 216 dated 04-04-2025 and it has been directed to deposit Rs 3,36,275.00 against amount of Rs. 56.500/which was given to Vijay Kumar husband of the petitioner who died on 12-03-2003.

(ii) For direction the respondents for not taking any coercive action against



the petitioner in the light of certificate case No 10/2006-07 for recovery of said amount because the certificate debt collector has been died in the year 2003 and the petitioner and her family members have no knowledge about the alleged dues amount.”

3. Learned counsel appearing on behalf of the petitioner submits that initiation of the certificate proceedings *vide* Certificate Case No. 10/2006-07 against the petitioner herein and also the issuance of the warrant *vide* Memo No. 216 dated 04.04.2025 wherein the petitioner has been directed to deposit an amount of Rs. 3,36,275/- is without jurisdiction and contrary to the provisions of the Bihar and Orissa Public Demand Recovery Act, 1914 (herein after referred to as ‘the PDR Act’). Learned counsel submits that by the time the certificate case was initiated against the husband of the petitioner, namely, late Vijay Kumar, the husband of the petitioner has died in the year 2003 itself, therefore, the initiation of the certificate case against a dead person is *void ab initio* and *non-est* in the eye of law. Further, it is stated that the original amount recoverable from the husband of the petitioner is only Rs. 56,500/- but the respondent-authorities are trying to recover an amount of Rs. 3,36,275/- from the petitioner who is not even a party to the certificate case.

4. Learned counsel for the petitioner has relied on the



Judgment of this Hon'ble Court dated 08.02.2008 passed in CWJC No. 14653 of 2004 in the case of ***Chandeshwar Prasad Singh @ Chandeshwar Singh Versus Muzaffarpur Central Co-Operative Bank Ltd. and Another*** reported in ***(2008) 4 PLJR 191*** and also relied on the Judgment of this Hon'ble Court dated 01.10.2018 passed in CWJC No. 22205 of 2013 in the case of ***Most. Monakiya Devi v. The State of Bihar and Ors.***

5. Learned counsel for the petitioner has stated that initiation of the certificate proceedings against a dead person is totally impermissible under law. Further, it is stated that the claim itself is barred by law of limitation as the respondent-authorities have taken their own sweet time in initiating the proceedings, that to against a dead person. Learned counsel has, therefore, prayed this Hon'ble Court to allow the present writ petition and set aside the impugned demand notice and also the warrant *vide* Memo No. 216 dated 04.04.2025 and quash the entire certificate proceedings.

6. Per contra, the learned counsel appearing on behalf of the Respondent-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner is having a remedy of filing her



objections under Section 9 of the PDR Act before the Certificate Officer and the same shall be considered in accordance with law and necessary final orders will be passed. However, the petitioner without filing her objections has straightaway approached this Hon'ble Court by way of the present CWJC and the same is not permissible. Further, it is stated that the husband of the petitioner, namely, late Vijay Kumar was put on notice to deposit the liability amount of Rs. 56,500/- but the said Vijay Kumar failed to deposit the same. Further, it is stated that the recovery proceedings against the said Vijay Kumar were initiated in the month of April, 1985 and though notices were served on the Vijay Kumar, he failed to pay the due amount and, thereafter, the authority has initiated the certificate proceedings. Learned counsel has stated that the question of limitation does not arise as the process of recovery of the amount has been continuing right from the period when the said Vijay Kumar was alive and the petitioner being the legal heir of the said Vijay Kumar is bound to pay the outstanding due amounts. Learned counsel has stated that as per Section 52 of the PDR Act, the authorities are well within their rights to proceed against the petitioner herein and the other legal heirs of the late Vijay Kumar. Learned counsel has, therefore, prayed this Hon'ble



Court to dismiss the present writ petition.

7. Admittedly, in the present writ petition the facts are not in dispute, the fact that the said Vijay Kumar who is the husband of the petitioner was due an amount of Rs. 56,500/- is not disputed. That the cause of action for initiating the certificate proceedings started in the month of April 1985 and the said Vijay Kumar died in the month of March, 2003. The certificate case has been initiated in the year 2006-07 *vide* Certificate Case No. 10/2006-07. It is settled law that any proceedings against the dead person are void *ab initio, non-est* in the eye of law and without jurisdiction.

8. This Hon'ble Court in the case of ***Chandeshwar Prasad Singh @ Chandeshwar Singh Versus Muzaffarpur Central Co-Operative Bank Ltd. and Another*** reported in ***(2008) 4 PLJR 191*** has held as under:-

“11. Firstly, where the law restricts the remedy to a Court of law, then it should not be so interpreted that in another proceeding solely for the purpose of recovery it can be permitted; that would be circumventing the law. If the claim is not enforceable in Civil Court the bar cannot be circumvented by resorting to Public Demand Recovery Act. Therefore, this part of the submission cannot be accepted. Secondly, it is in view of this principle that section 6 of the Public Demand Recovery Act, as quoted above, says that the Certificate Officer, if he



is satisfied that the demand is recoverable and the recovery is not barred by law, he can proceed. Here, recovery of money due after 25 years is barred by law of limitation. Therefore, in terms of section 6, the law bars recovery and thus the Certificate Officer had no jurisdiction to proceed in the matter once he found so if one refers to the certificate as appended to the writ petition as issued by the Certificate Officer, one would find that he had to certify that the recovery was not barred, he has so certified without even bothering to look or enquire into the very basic fact. In that view of the matter, in the facts of this case, which are not in dispute, the recovery being barred by law, the proceedings are wholly without jurisdiction. The proceedings being wholly without jurisdiction, the same are quashed in toto.

9. Further in the case of **Most. Monakiya Devi v. The State of Bihar and Ors.** passed in CWJC No. 22205 of 2013 dated 01.10.2018 has held as under:-

“6. Having heard the parties and on consideration of the materials on record, this Court finds considerable merit in the writ petition. A bare perusal of the impugned notice dated 12.09.2013 issued by the Certificate Officer-cum-SDO, Dumraon, Buxar as well as the requisition dated 04.08.2011 issued under Section 5 of the PDR Act discloses that these have been issued after 11.09.2010, when the husband of the petitioner died. As such, the entire proceedings are rendered illegal and a nullity.”

10. Admittedly even in this case, the initiation of the



certificate case against the dead person and issuance of warrant by the respondent-authorities to the petitioner seeking recovery of the amount of Rs. 3,36,275/- is without jurisdiction and beyond the period of limitation. Further, it is to be noted that the petitioner has not been substituted in the Certificate Case No. 10/2006-07 at any point of time till date.

11. Having regard to the above mentioned facts and circumstances and also the law laid down by this Hon'ble Court in the above mentioned cases, the warrant *vide* Memo No. 216 dated 04.04.2025 issued by the Certificate Officer i.e. Respondent No. 3 herein and the entire certificate proceedings initiated against the dead person and also against the petitioner herein and other legal heirs of late Vijay Kumar in the certificate case bearing Certificate Case No. 10/2006-07 are hereby quashed.

12. With the above observations, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2026
Transmission Date	NA

