

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.595 of 2022**

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Ranjana Chaurasia Wife of Late Ramesh Prasad Chaurasia @ Ramesh Prasad  
Resident of Nayatola, Chausia, Govindchak, P.S. - Sonapur, Distt - Saran at  
Chapra (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Bihar, Patna.
2. The Principal Secretary, Department of Rural Development, Bihar, New Secretariat, Patna.
3. The Member (Judicial) Lokayukta, through its Secretary, Officer Lokayukta, at 04, Kautaliya Marg, Patna.
4. The Collector of the District, (DM), Saran at Chapra.
5. The Deputy Development Commissioner (DDC), Saran.
6. The District Certificate Officer, Chapra, District- Saran.
7. The Block Development Officer (B.D.O.) Mashrakh, Saran.
8. The Block Development Officer (B.D.O.), Dariyapur, Saran.

... .. Respondent/s

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**Appearance :**

|                      |   |                                                              |
|----------------------|---|--------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Shashi Nath Jha, Adv.<br>Mr.Sunny Kumar, Adv.             |
| For the Respondent/s | : | Mr.Vinay Kirti Singh (GA2)<br>Mr.Sumant Kr. Singh, AC to GA2 |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**  
**Date : 15-12-2025**

Heard Learned Counsel for the petitioner and  
Learned Counsel for the respondents.

2. Learned Counsel for the petitioner submits that the  
present writ petition has been filed with the following reliefs:-

*(i) Quashing/setting aside the order dt.  
19.04.2021 (Annx- 2) passed by the Learned  
Member (judicial )Lokayukta, Bihar, Patna in case  
no.-01/lok (Panchayati Raj) 224/2012( Sri*



*Upendra Kumar Sah Vs. Block Development Officer, Mashrakh, Saran ) whereby and whereunder the direction has been issued especially the district authorities, Saran to conclude the pending proceedings to its logical end against all the guilty persons including the husband of the present petitioner (now deceased).*

*(ii) Holding and declaring that the Respondent no.3 Learned Member (judicial) Lokayukta, Bihar, had no jurisdiction to initiate impugned proceedings before him against the husband of the petitioner -Late Ramesh Prasad Chaurasia & Ramesh Prasad vide case no. 01/lok (Panchayati Raj) 224/2012( Sri Upendra Kumar Sah Vs. Block Development Officer, Mashrakh, Saran).*

*(iii) Holding and declaring that the Respondent-authorities are not authorized under any Act to harass the present petitioner pursuant to the order of Learned Lokayukta (Annex-2) whereas the departmental proceedings against the husband of the petitioner (Late Ramesh Prasad Chaurasia) had already been concluded long ago vide same subject Annex- 3 hereto, and relating matter/same alleged offence the writ application is pending in the Hon'ble Patna High court.*

*(iv) Directing the Respondent-authorities to grant all the benefits to the present petitioner for which her husband was entitled to, after exonerating the deceased husband of petitioner*



*from all the frivolous charges leveled against him.*

3. Counsel for the petitioner further submits that the petitioner is a widow of Panchayat Secretary, Masrakh worked under Saran district. He further submits that in the year 2012, case No. 01/Lok (Panchayati Raj) 224/2012 (Sri Upendra Kumar Sah Vs. Block Development Officer, Mashrakh, Saran) was registered in the Office of Learned Lokayukta, Bihar, Patna with respect to defalcation of government amount while distributing the amount under the Indira Awas Yojna to the beneficiaries.

4. Counsel further submits that in the said proceeding, husband of the petitioner and several employees were impleaded which resulted into criminal proceeding, departmental proceeding and certificate proceeding under Bihar & Orissa Public Demands Recovery Act, 1914 (Act no. 4 of 1914) [hereinafter referred to as 'Act of 1914'] and a Certificate Case No.05 of 2016-17 was instituted before the District Certificate Officer, Saran for recovery of amount of Rs.13,91,453/- ( Rs. Thirteen Lacs Ninety one thousand four hundred fifty three only).

5. Counsel further submits that the petitioner has filed a writ petition bearing C.W.J.C. No.14092 of 2017 before this Hon'ble Court which was disposed of on 06.04.2018, directing



the respondent authorities to decide the objection petition of husband of the petitioner filed under section 9 of P.D.R. Act and till decision on the said objection, no coercive step for the said recovery due would be taken. He further submits that the objection was filed by husband of the petitioner before Certificate Officer, which was rejected on 21.02.2019. He further submits that husband of the petitioner has preferred another writ petition bearing C.W.J.C. No.21140 of 2019, which has been dismissed for default and for restoration of the same, he has filed MJC No.2218 of 2021.

6. Counsel further submits that husband of the petitioner died on 29.08.2021 leaving behind his widow *i.e.*, the present petitioner. He further submits that due to order passed by the Lokayukta, which is impugned here even after death of her husband, the proceeding is still continuing, which is bad in law as well as the plea of the petitioner is that the Lokayukta has no jurisdiction to pass such order to proceed in the certificate case and intimate to the Lokayukta about the progress of the said case.

7. Counsel for the petitioner during argument submits that section 52 of the Act of 1914 talks about the Procedure on death of certificate-debtor. He further submits that the said



procedure has not been followed at all and hence the order passed by the Lokayukta against the petitioner in the said certificate case is bad in law. Therefore, he prayed that the said order which according to him is non-jurisdictional, be set aside and the respondent authorities be directed not to proceed against the petitioner being wife of the delinquent, which is certificate debtor.

8. Counsel for the State, on the other hand, submits that the petitioner has a chequered history. Criminal proceeding, departmental proceeding as well as certificate proceeding all were pending against him. Even to save himself from realisation of the said certificate money, he used to file writ petitions either one pre-text or other before this Hon'ble Court. He further submits that earlier C.W.J.C. No.14092 of 2017 was heard and disposed of on 06.04.2018 in which he was directed to file objection, his objection was entertained and rejected. Thereafter, he has preferred another writ petition bearing C.W.J.C. No.21140 of 2019, which was dismissed due to non-prosecution on 23.11.2021. He further submits that after death of the petitioner, his wife filed restoration petition bearing MJC No.2218 of 2021, which according to her still pending.

9. Counsel further submits that in the said case,



distress warrant was also issued, but by virtue of I.A. No.01 of 2020, petitioner has obtained the order of stay dated 04.05.2021 *i.e.*, the operation of distress warrant against the husband of the petitioner.

10. Counsel further submits that it is true that the husband of the petitioner died on 29.08.2021, but the certificate is still thirsty and the amount has to be realized from the legal representative of the certificate debtor. He further submits that the petitioner being a wife, is the legal representative of her husband (certificate debtor). Therefore, the said realization of the certificate debt is completely in accordance with law and the order passed by the Lokayukta is not non-jurisdictional rather well within the framework of law and there is no need of any interference.

11. Upon hearing the parties on the factual matrix, this Court is hereby discussing the provisions of Bihar & Orissa Public Demands Recovery Act, 1914 (Act no. 4 of 1914) under which the certificate case has been filed against the husband of the petitioner. It transpires to this Court that there is specific provision laid down under section 52 of the Act of 1914. The provision of Section 52 of the Act of 1914 talks about the Procedure on death of certificate-debtor and is quoted below:-



*52. Procedure on death of certificate-debtor.-(1) Where certificate-debtor dies before the certificate has been fully satisfied, the Certificate Officer may, after serving upon the legal representative of the deceased a notice in the prescribed form proceed to execute the certificate against such legal representative and the provisions of this Act shall apply as if, such legal representative were the certificate debtor and as if such notice were a notice under Section 7:*

*Provided that where the certificate is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and, for the purpose of ascertaining such liability, the Certificate Officer executing the certificate may, of his own motion or on the application of the certificate-holder compel such legal representative to produce such accounts as the Certificate Officer thinks fit.*

*(2) for the purposes of this Section, property in the hands of a son or other descendant which is liable under Hindu Law for the payment of the debt of a deceased ancestor, in respect of which a certificate has been filed, shall be deemed to be property of the deceased which has come to the hands of the son or other descendant as his legal representative.*

12. It transpires to this Court that the said provision



clearly states that the certificate has to be fully satisfied even after death of certificate debtor from the legal representative of the deceased, but for that a notice in the prescribed form has to be proceeded to execute the certificate against such legal representative and the provisions of said Act shall apply as if such legal representative were the certificate debtor and if such notices were a notice under section 7 of the Act of 1914. The proviso of said section is also clear that the certificate shall be executed against such legal representative. The said legal representative shall be liable only to the extent of the property of the deceased which has come to the hand of legal representative. For this purpose, a liability has to be ascertained and it may be done by the Certificate Officer of his own motion or on the application of the certificate holder compel such legal representative to produce such accounts as the Certificate Officer thinks fit.

13. In the light of the existing provision of law as laid down under section 52 of the Act of 1914, this Court restrains himself to interfere in the findings of the Lokayukta and hereby directs the Certificate Officer /respondent authorities to proceed against the present petitioner only in accordance with section 52 of the Act of 1914.



14. It is made clear that prior to exhaustment of the provisions laid down under section 52 of the Act of 1914, no coercive steps shall be taken against the petitioner.

15. With the aforesaid directions and observations, the present writ application stands disposed off.

**(Dr. Anshuman, J)**

Prakashmani/-

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