

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18099 of 2011

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Rajesh Kumar Mahto, son of Rohit Mahto, resident of Village- Banhaiti, P.O. Nauhar, P.S.- Bibhutipur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Certificate Officer, Samastipur
3. The Manager, Kshetriya Gramin Bank, Samastipur, Head Office, Samastipur
4. The Chairman, Kshetriya Gramin Bank, Samastipur, Head Office, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Damodar Prasad Tiwary, Advocate.
For the Bank : Mr. Ranjeet Kumar Pandey, Advocate
For the Respondent : Dr. Binay Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-10-2015

The present writ petition has been filed for quashing the order of the Certificate Officer, Samastipur passed in Case No. 3 of 2006-07 dated 04.09.2006.

2. Learned counsel for the petitioner submits that the impugned order dated 04.09.2006 is not sustainable in law as the demand in question was itself barred by limitation and hence no certificate could have been drawn in terms of Section 6 of the Public Demands Recovery Act. It is submitted that the Bank loan of Rs. 1,50,000/- itself having been sanctioned on 21.05.1998, the same became barred by limitation on the expiry of three years from that date and as such the certificate proceeding is liable to be quashed. It is further submitted that

the recovery of the demand by resort to certificate proceedings is illegal in absence of any agreement to that effect between the parties.

3. Learned counsel for the petitioner however is unable to satisfy this Court on the basis of materials and relevant facts brought on record to the effect that the recovery of the Bank loan had, in fact, become barred by law of limitation.

4. Learned counsel for the respondent Bank invites attention to the counter affidavit, which discloses that an agreement was duly entered into by the petitioner for recovery of dues by the Certificate Officer. Moreover, it is pointed out from the order dated 21.02.2014 passed by the Permanent Lok Adalat, Samastipur, as contained in Annexure-A to the counter affidavit that the petitioner has been constantly absent and was not cooperating in the matter of settlement of his dispute.

5. Having heard learned counsel for the parties and on careful consideration of the materials on record, this Court is of the view that no relief can be granted to the petitioner under such circumstances. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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