

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12278 of 2006

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Mahendra Yadav son of Rajot Yadav, resident of village Ushmanpur, Police Station Naugachia (Kharik), District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
 2. Collector-cum-District Certificate Officer, Bhagalpur, District Bhagalpur
 3. Sub-Divisional Officer-cum-Sub-Divisional Certificate Officer (Auctioner), Naugachia, Police Station Naugachia, District Bhagalpur
 4. Branch Manager, State Bank of India, Naugachia, P.S. Naugachia, District Bhagalpur
 5. Sri Abhay Kumar Singh, Sub-Divisional Officer, Bagha, West Champaran
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Respondent Nos. 2, 3 & 5 : Anil Kumar, AC to SC 10

For the Respondent No.4 : Mrs. Namrata Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

15 03-02-2015

Heard the parties.

2. The petitioner, a certificate debtor, under the meaning of Bihar Public Demands Recovery Act, 1914 (in short “the Act”), has approached this Court in a proceeding under Article 227 of the Constitution of India with a prayer for quashing the entire proceeding of Certificate Case No.47 of 2003-2004 (Annexure-7) initiated by the respondent no.2, the Certificate Officer, primarily on the ground that without service of notice upon the petitioner, he was remanded to civil prison.

3. It is the common case of the parties that this matter was heard earlier by a Bench of this Court and the petitioner was released on bail by order dated 18.10.2006 passed by a Bench of this Court (Coram: Navaniti Pd. Singh, J.). It is also common case of the parties that the petitioner is still enjoying the privilege of bail granted by this Court.

4. Learned counsel appearing on behalf of the parties are unanimous in their submissions that no useful purpose shall be

served by keeping the present matter pending before this Court, as according to them, in the aforesaid certificate case, final order has not been passed and the petitioner has not been able to file objection in terms of Section 9 of the Act, as he had not received notice issued by the Certificate Officer. They are further unanimous in their submissions that the matter may be remitted to the Certificate Officer, Naugachia for proceeding in the aforesaid certificate case strictly in accordance with law from the stage of Section 9 of the Act.

5. In view of the aforesaid unanimous submissions of learned counsel appearing on behalf of the parties, the present writ petition is disposed of and the matter is remitted back to the respondent-Certificate Officer, Naugachia with a direction to proceed further in accordance with law from the stage of Section 9 of the Act. The petitioner shall file his objection in terms of Section 9 of the Act within a period of three weeks from today accompanied by a certified copy of the present order. The respondent- Certificate Officer shall consider the objection in accordance with law and shall proceed further. However, if no objection is filed on behalf of the petitioner within the aforesaid period of three weeks, then still matter shall proceed further in accordance with law.

6. It is directed that the petitioner shall be allowed to remain on bail pursuant to the earlier order passed by this Court till final disposal of the certificate proceeding.

7. The writ petition stands finally disposed of with the observations/directions made above.

(Birendra Prasad Verma, J)

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