

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4008 of 2015

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1. Vivekanand Chaubey son of Late Shiv Narayan Chaubey, resident of village - Shivnarayanpur , Mathurapur , P.S. - Shivnarayanpur , District- Bhagalpur.
 2. Satyabhama Devi, wife of Vivekanand Chaubey, resident of village - Shivnarayanpur , Mathurapur , P.S. - Shivnarayanpur , District- Bhagalpur.

.... Petitioners

Versus

United Commercial Bank, Kishandaspur Branch, Bhagalpur.

.... Respondent

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Appearance :

For the Petitioners : Mr. Neeraj Kumar, Advocate

For Respondent Bank : M/s. Nilu Agrawal, Manoj Kumar and
Avinash Kumar, advocates

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-04-2015

Heard the parties.

Petitioners are aggrieved by the order dated 03.01.2014 passed by the Certificate Officer, Bhagalpur in Certificate Case No.05 of 2013-14. However, it appears from that order that the matter has been heard and case has been directed to put up for orders. Learned counsel submits that thereafter no order has been passed, however, the authorities are orally saying that their objection under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 has been rejected but copy of order is not being given. Learned counsel contends that the petitioners have applied for certified copy also but order sheet has been supplied without any order of rejection.

In my opinion, this writ application is premature as no

final order appears to have been passed. It is also surprising that, the objection finally having been heard on 03.04.2013 under certain circumstances the Certificate Officer could not pass the necessary order till date even after a lapse of one year.

In such a situation, the Certificate Officer is directed to take a final decision on the objection filed by the petitioners if the same has already not been taken. If any decision has already been taken then a certified copy of the order should be given to the petitioners on a proper requisition having been made.

(Dr. Ravi Ranjan, J)

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