

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12913 of 2010

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Ram Jiwan Mahto S/O Late Sukhit Mahto, R/O Vill.-Gangapur,P.S.-Musari
Charari,Dist.-Samastipur.

.... Petitioner/s

Versus

1. Bihar State Co-Operative Land Development Bank, Patna through Managing Director.
2. Managing Director Bihar State Co-Operative Land Development Bank, Patna.
3. Branch Manager Bihar State Co-Operative Land Development Bank, Branch, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chaudhary Shyam Nandan

For the Respondent/s : Mr. Rajesh Prasad Choudhary

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 01-04-2015

Heard the parties.

The petitioner is aggrieved by the demand notice as contained in Annexure-4 issued by the respondent no.3, whereby the petitioner has been called upon to deposit an outstanding dues of Rs. 1,00,525/- on or before 14.06.2010, failing which the respondent Bank shall be at liberty to take follow up legal action against the petitioner for recovery of the amount in question.

While assailing the impugned demand notice, learned counsel appearing on behalf of the petitioner has not disputed the fact that the petitioner had taken loan from the respondent Bank, but according to him, the interest calculated thereon was arbitrary. Therefore, the impugned demand notice may be quashed.

A counter-affidavit has been filed on behalf of the respondents stating therein that the petitioner had taken loan of Rs. 25,000/- on 18.12.1995 @ 12% interest per annum. According to the respondents since the petitioner defaulted in making payment of instalments and despite opportunity given to him the outstanding dues

of the respondent Bank was not paid, therefore, a Certificate Case No. 113 of 2005-06 was initiated for recovery of outstanding dues. In paragraph- 8 of the aforesaid counter-affidavit it has been stated that the outstanding dues against the petitioner as on 31.03.2011 was Rs. 1,07,357. 26. Learned counsel appearing on behalf of the respondents has submitted that the aforesaid certificate case is still pending before the Certificate Officer.

In above view of the matter, this Court is not inclined to interfere with the impugned demand notice. If the petitioner has some grievance, then he shall be at liberty to file objection before the Certificate Officer in the aforesaid pending certificate case which, it is expected, shall be considered and decided in accordance with law.

The writ petition, at this stage, seems to be completely misconceived and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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