

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23370 of 2013

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Arjun Singh, son of Late Awadh Singh, resident of village - Kesopur, P.S. Hilsa,
District - Nalanda

.... Petitioner

Versus

1. The State of Bihar through District Certificate Officer, Nalanda
2. The Certificate Officer - cum - Sub - Divisional Officer, Hilsa, Nalanda
3. Manager, State Bank of India, Hilsa Branch, Hilsa, Nalanda

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the State : Mr. Madhuresh Prasad, GP 12
For the Bank : Mr. K.K. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-09-2015

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the respondent-Bank.

2. It is submitted on behalf of the petitioner that the
entire proceedings in Certificate Case No. 12/2004-05 against the
petitioner in terms of Section 7 of the Bihar & Orissa Public
Demands Recovery Act (for short, “the Act”) for recovery of the dues
amounting to Rs. 58,346/- are wholly illegal and liable to be quashed.

3. It is further submitted that an objection petition under
Section 9 has already been filed which is pending before the
Certificate Officer but without disposing of the same, warrant of
arrest is likely to be issued against the petitioner who is aged about
75 years.

4. With the consent of parties, the present writ petition is disposed of with direction to the Certificate Officer, Hilsa to consider and dispose of the objection petition under Section 9 of the Act said to have been filed by the petitioner, on its own merits, in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

5. It is made clear that until disposal of such objection petition, the Certificate Officer, Hilsa shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 12/2004-05.

(Vikash Jain, J)

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