

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10757 of 2014

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Deo Sankar Choudhary, Son of Late Nand Kishore Choudhary, Resident of Village-
Brahgama, P.S.- Khanpur, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The District Certificate Officer Samastipur, District- Samastipur.
4. The General Manager Union Bank of India, having its head office at 239 Vidhan Sabha Marg Bombay 400021.
5. The Branch Manager Union Bank of India at Varish Nagar Branch Samastipur, District- Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dharendra Kumar, Advocate
For the Bank : Mr. Ajay Kumar Sinha, Advocate
For the State : Mr. S.K. Sinha, GP 15

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-02-2016

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. 12/2013-14 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. 3,05,055/- are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner in this case is that a warrant of arrest has been issued against him in connection with the dues amounting to Rs. 3,05,055/- recoverable in terms of the notice dated 06.02.2014 issued by the Certificate Officer, Samastipur in

Certificate Case No. 12/2013-14.

4. Learned counsel for the respondent-Bank submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the Respondents.

5. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Act, if not already filed, within a period of three weeks from today. The Certificate Officer, Samastipur shall consider and dispose of the petitioner's objection on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Samastipur shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 12/2013-14.

7. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/-

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