

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7685 of 2016

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Arbind Kumar S/o Sri Ram Ballam Singh, resident of village- Nepura, P.O.-
Parwati, P.S.- Kashichak, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Nawada, District- Nawada
2. The Madhya Bihar Gramin Bank Kashichak Branch, through its Manager,
Kashichak, District- Nawada
3. The Manager, Madhya Bihar Gramin Bank, Kashichak Branch, Kashichak,
District- Nawada
4. The District Certificate Officer, Nawada, Dist.- Nawada

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Praveen Kumar, Advocate
Mr. Jyoti Ranjan Jha, Advocate
For the Respondent/s : Mr. Nadeem Seraj, G.P.-20

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-06-2016

Heard Mr. Praveen Kumar, learned counsel for the
petitioner, Mr. Jai Prabhat Kishore, Assisting Counsel to GP-13 and
Mr. Suresh Prasad Singh appearing for the Madhya Bihar Gramin
Bank.

The petitioner has questioned the final order dated
22.2.2016 passed by the District Certificate Officer, Nawada in
Certificate Case No. 14 of 2015-16 *inter alia* on grounds that the
District Certificate Officer has proceeded to dispose of the matter
without adjudication on the dispute as mandated under Section 10 of
the Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter



referred to as 'the Act') and without disposing the objections filed under Section 9 of the said Act. The order sheet of the proceedings is placed on record vide Annexure-5 to the supplementary affidavit and supports the arguments advanced by Mr. Praveen Kumar. The order disposing of the proceedings and directing the petitioner to deposit the certificate is followed by issuance of a warrant impugned at Annexure-4 dated 24.2.2016. It is considering the apparent procedural infirmities in the proceedings that the District Magistrate, Nawada was directed to pay attention to the matter and take corrective measures.

A counter affidavit has been filed on behalf of the District Magistrate admitting to the procedural lapse in paragraph-6, 7 and 8 of the counter affidavit and appreciating the violations in the order dated 22.2.2016 disposing of the certificate proceedings as well as the warrant issued on 24.2.2016 that the same have since been recalled by the District Certificate Officer vide order passed on 21.6.2016, a copy of which is placed at Annexure-A to the counter affidavit.

In the aforesaid view of the matter, the grievance of the petitioner raised in the writ petition stands redressed but then the certificate proceedings has to be taken to its conclusion and for the purpose the petitioner as well as the certificate holder would appear before the District Certificate Officer, Nawada on 11.7.2016 at 11:00

A.M. and when the District Certificate Officer would proceed to dispose of the certificate case in accordance with law, after hearing the parties and in consideration of the objection filed by the petitioner under Section 9 of ‘the Act’ by a speaking order. It is made clear that if the petitioner fails to register his appearance as directed by this Court, the District Certificate Officer, Nawada would dispose of the matter *ex parte* but in consideration of the claim raised as well as the objection filed by the petitioner under Section 9 of ‘the Act’.

Since the matter has been lingering for sometime and the pleadings are complete and the petitioner has been directed to register appearance and cooperate in disposal, hence the certificate proceedings should be disposed of expeditiously.

Mr. Praveen Kumar, learned counsel for the petitioner informs that no reply has been filed by the Bank to the objection raised by the petitioner.

It goes without saying that the Bank, if so advised, may file their reply to the objection before the date so fixed by this Court.

This writ application is disposed of accordingly.

(Jyoti Saran, J)

S.Sb/-

NAFR	
CAV DATE	
Uploading Date	30.06.2016
Transmission Date	