

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8212 of 2014

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1. Shankar Prasad Singh, S/o Late Sri Rameshwar Prasad Singh, R/o Shekhpur,
Akharaghat, Muzaffarpur

.... Petitioner/s

Versus

1. State Bank of Bikaner and Jaipur, Branch Akharaghat, Town, Muzaffarpur
2. S.D.O. East-cum-Certificate Officer, Muzaffarpur, S.D.O. Court, East
Muzaffarpur.
3. D.M., Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Digvijay Singh, Adv.

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG-14

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-02-2016

Heard learned counsel for the petitioner and the respondents.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 783/2002-03 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. 1,47,584/- 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. 1,47,584/- recoverable in terms of the notice dated 10.10.2002 issued by the District Certificate Officer, Muzaffarpur in Certificate Case

No. 783/2002-03.

4. 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, the warrant of arrest has been issued.

5. With the consent of the parties, the present writ petition is disposed of with direction to the Certificate Officer, Muzaffarpur 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.

6. It is made clear that until disposal of such objection petition, the Certificate officer, Muzaffarpur, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 783/2002-03.

(Vikash Jain, J)

Md. Ibrarul/-

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