

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20794 of 2012

Bhola Nath Roy Son of Late Radha Kishun Rai, Resident of Village- Bakherpur,
Police Station- Pirpainty, District- Bhagalpur

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Bhagalpur
2. The Certificate Officer, Bhagalpur
3. UCO Bank, Pyalapur Branch, Pirpainty, Bhagalpur through Branch Manager
4. The Branch Manager, UCO. Bank, Pyalapur Branch, Pirpainty, Bhagalpur

.... Respondents

Appearance:

For the Petitioner : None
For the Resp. Bank : Mrs. Sheela Sharma
Mr. Shivendra Kumar Roy, Advocates.

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 04-10-2016

The present writ petition has been filed for the following
reliefs:

“That this is an application for issuance of an appropriate writ/order/direction for setting aside the order dated 30.01.2012 passed by the Certificate Officer, Bhagalpur (respondent No. 2) in Certificate Case No. 15/2006-07 (as contained in Annexure-1) by which without considering and deciding the objection petition under Section 9 of the Act of the petitioner which is mandatory and without assigning any cogent reason the Certificate Officer allowed the certificate case and further to direct the authorities respondent to hear the objection petition of the petitioner and pass a reasoned order on the same either for acceptance or rejection of the said objection petition and

during the pendency of the present writ petition stay the further proceeding in Certificate Case No. 15/2006-07”.

2. None appears on behalf of the petitioner despite repeated calls. None is also present on behalf of the respondent State.

3. Learned counsel for the respondent UCO Bank submits that the writ petition is misconceived inasmuch as the Certificate Officer has duly taken into consideration the petitioner’s objection petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act (for short, “the Act”) pursuant to the direction of this Court in C.W.J.C. No. 2714/2011 prior to passing the impugned order dated 30.01.2012 as stated therein. Moreover, it is submitted that the petitioner has adequate remedy of appeal under Section 60 of the Act.

4. Having regard to the submissions of the respondent Bank, this Court is not inclined to interfere in the matter. The writ petition is accordingly dismissed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
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