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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.148 of 2008

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1. Dinesh Mahto @ Dinesh Das,
2. Ganpati Mandal,
3. Rajendra Mandal
4. Jeetendra Mandal.
5. Satya Narain Mandal.
6. Madan Mandal.
7. Ganga Mandal, All sons of Late Jalo Mahto,

Resident of Village Saroni Madhepura, P.S. Basnahi, District Saharsa

.... Petitioners

Versus

1. The State of Bihar
2. The Home Secretary, Govt. of Bihar, Patna.
3. The Chief Secretary, Govt. of Bihar, Patna.
4. The Commissioner, Ministry of Agriculture, Govt. of Bihar, Patna.
5. The District Magistrate, Saharsa.
6. The Reserve Bank of India through the Regional Director, Bihar, Patna.
7. The Branch Manager, Land Development Bank, Simri Bakhtiyarpur, P.S. Simri Bakhtiyarpur, District Saharsa.
8. The Regional Manager, Land Development Bank, District Saharsa.
9. The District Manager, Land Development Bank, Saharsa

.... Respondents

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Appearance:

For the Petitioners : Mr. Uday Bhanu Roy,
Mr. Anant Kumar, Advocates

For Respondent-Bank : Mr. Vijay Shankar Upadhyay
Mr. Rajesh Pd. Choudhary, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-10-2016

Heard learned counsel for the petitioners and learned counsel for the respondents.

2. The present writ petition has been filed for a direction to the respondents to furnish the statement of account regarding the loan taken by the father of the petitioners; and to refund the excess amount realized by the bank authorities after issuance of ‘no dues

certificate'.

3. Learned counsel for the petitioners submits that even though a 'no dues certificate' relating to the loan in question had been issued by the respondent-bank, an amount of Rs. 35,000/- has been further recovered from the petitioners, which the bank is liable to refund together with interest.

4. Learned counsel for the respondent-bank, on the other hand, relies on the counter affidavit to oppose the writ petition, wherein a copy of the statement of loan (Annexure-A) has been annexed, according to which an amount of Rs. 41,699.95 has been shown as outstanding against the petitioners as on 31.03.2010.

5. In reply, learned counsel for the petitioner invites attention to the 'no dues certificate' dated 09.04.2003 and hence submits that the question of any outstanding after issuance of such 'no dues certificate' cannot arise.

6. Having regard to the stand of the respective parties and on consideration of the materials on record, this Court, with consent of the parties, grants liberty to the petitioners to file a fresh representation before the respondent-bank seeking clarification on the above matter. If such representation is filed before the Regional Manager, Land Development Bank, Saharsa (respondent no. 8) within a period of four weeks from today, the same shall be considered and disposed of on its own merits after grant of opportunity of hearing to

the petitioner in accordance with law expeditiously, preferably within a further period of eight weeks thereafter.

7. The writ petition stands disposed of with the aforesaid observations and directions.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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