

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16511 of 2012

Janak Ram, Son of Ganga Ram, Resident of Village - Siropatti, P.S. Khanpur,
District Samastipur

..... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Samastipur
3. The District Certificate Officer, Samastipur
4. The Union Bank of India, Gola Road, Branch Samastipur

..... Respondents

Appearance:

For the Petitioner	: Mr. Vinay Ranjan, Advocate
For Respondent-bank	: Mr. Mohan Kumar Singh Mr. Anup Kr. Sinha, Advocates
For the State	: None

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-08-2016

Heard learned counsel for the petitioner and learned
counsel for the respondent-bank.

2. The present writ petition has been filed for quashing the
order dated 12.06.2012 passed in Certificate Case No. 07 of 2011-12 by
the District Certificate Officer, Samastipur by which an order of
attachment of property of the petitioner was issued; and for issuance of
writ in the nature of mandamus commanding and directing the
respondent no. 3 to hear the objection petition filed under Section 9 of
the Bihar & Orissa Public Demands Recovery Act, 1914 (for short, "PDR
Act").

3. Learned counsel for the petitioner submits that the
impugned order dated 12.06.2012 contains a gross error of fact in

recording that the petitioner had not filed any objection petition. Such observation stands refuted from the certified copy of the objection petition annexed with the supplementary affidavit filed by the petitioner and which has not been controverted by the respondents.

4. None appears on behalf of the respondent-State nor has any counter affidavit been filed on its behalf.

5. Learned counsel for the respondent-bank appears and has been heard.

6. Having regard to the submissions made by the petitioner and on careful consideration of the materials available on record, this Court finds merit in the writ petition. A supplementary affidavit enclosing a certified copy of the objection petition under Section 9 of the PDR Act has been filed after serving copies thereof on the respondent-State and the respondent-bank. The specific stand of the petitioner in this regard has not been controverted by any of the respondents.

7. In the circumstances, the impugned order dated 12.06.2012 passed in Certificate Case No. 07 of 2011-12 is accordingly quashed and the District Certificate Officer, Samastipur (respondent no. 3) is directed to consider the objection petition filed under Section 9 of the PDR Act, if still pending, and dispose of the same in accordance with law after grant of opportunity of hearing to the petitioner.

8. It is made clear that until disposal of such objection

petition, the District Certificate Officer, Samastipur shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 07 of 2011-20112.

9. The writ petition stands allowed with the aforesaid observation and directions.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N/A
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