

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10985 of 2013

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1. Md. Sabbir Alam Son Of Md. Jalaluddin Resident Of Kasai Tola Line
Bazar, P.S. K. Hat, District - Purnia

.... Petitioner/s

Versus

1. The State Of Bihar Through The Collector, Purnia
2. The Certificate Officer Cum Deputy Collector, Incharge Revenue
Department Confidential Branch, Purnia
3. The Branch Manager, The State Bank Of India, Main Branch, Purnia
4. The Branch Manager, The New India Assurance Company Limited
Bishwanath Old Bus Stand, Purnia

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Respondent/s : Mr. P.N. Shahi-A.A.G.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 10-10-2017 Heard learned counsel for the petitioner and learned counsel
for the State.

The petitioner seeks an appropriate writ order or direction from this Court for stay of the order dated 13.04.2012 passed by the Certificate Officer-cum-Deputy Collector, In-charge, Revenue Department, in Case No. 60 of 2010-11 which has been filed by the Respondent-Bank for issuance of a certificate notice for recovery of loan of Rs. 2,62,355.00 (Rupees Two Lacs Sixty Two Thousand Three Hundred Fifty-Five), only being the dues which is to be realized from the petitioner for grant of a loan.

Learned counsel for the petitioner submits that the petitioner had taken a loan for running a shop (general store) which was



hypothecated with the State Bank of India, Main Branch, Purnea and was also ensured with the New India Assurance Company Limited by yearly payment from the cash credit account of the borrower and the insurance cover is in custody of the State Bank of India, Purnea Branch.

The shop in question, however, was subjected to theft and, thereafter, the petitioner sought to recover the ensured amount by requesting the State Bank of India to seek the same from the appropriate Insurance Company. However, such request by the petitioner did not meet with any success. The petitioner has also filed a Complaint Case No. 10 of 2011 before the Court of District Consumer Disputes Redressal Forum, Purnea for payment of amount of Rs. 6,00,000/- with interest. However, in the meantime, a certificate case bearing Certificate Case No. 60 of 2010-11 has been filed in which notices have been issued on 13.04.2012 to the petitioner.

The petitioner, thus, prays for stay of the said notice and also distress warrant pending adjudication of the dispute by the District Consumer Disputes Redressal Forum, Purnea, as the matter for recovery of amount has been substantially issued in the said case, the petitioner's case, thus, is purely for a direction to restrain the Respondent-Bank from taking any step pursuant to the



requisition notice and an appropriate order to the Certificate Court to keep its notice in abeyance.

Learned counsel for the petitioner submits that the District Consumer Disputes Redressal Forum, Purnea has not yet passed any final orders.

Having heard learned counsel for the parties, it appears that in the interest of justice, the Certificate Proceedings be kept in abeyance till disposal of the Complaint Case No. 10 of 2011.

With the aforementioned directions, the writ application stands disposed of.

(Anjana Mishra, J)

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