

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9878 of 2017

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Ishwar Chandra Prasad S/o Mahabir Prasad, R/o Village-Pidari, P.S.-Maintard,
District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Bettiah, West Champaran.
2. The District Magistrate-Cum-Collector, Bettiah, West Champaran.
3. The District Certificate Officer, Bettiah, West Champaran.
4. The Branch Manager, of State Bank of India, Krishi Vikash Shakha, Bettiah, West Champaran.
5. The Principal Secretary, General Administration, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.
For the SBI Bank : Mr. Satya Prakash Tripathy, Adv.
For the State : Dr. Mankeshwar Tiwari, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-08-2017

Heard learned counsel for the petitioner and counsel
for the State.

In this case, the petitioner has raised a grievance against the order dated 10.04.2017, whereby and whereunder, the Certificate Officer has directed for recovery of an amount of Rs. 4,42,468/-.

The petitioner has taken loan of Rs. 2,20,000/- from the State Bank of India, Krishi Vikash Shakha, Bettiah, West Champaran but, he could not deposit the same which led to initiation of a proceeding under the Bihar and Orissa Public Demand Recovery



Act and same was registered bearing Certificate Case No. 83 of 2003-04. The petitioner was given notice under Section 7 asking him to file show-cause cum objection, whereafter, the petitioner has filed his objection. A technical plea of maintainability as well as a plea has been taken on merit of the case. On 10.4.2017, the date was fixed, on that day the petitioner was to appear and place his case before the Certificate Officer but, the petitioner has taken a plea that he could not appear on the aforesaid date due to obstruction caused by the Anganbari Sevika. On that account, he remained absent and the Court, without looking into the point raised in the objection, has passed the order dated 10.4.2017, whereafter, the petitioner filed a review application under Section 63 of the P.D.R. Act and, in the review, he has taken a specific plea that he could not appeared before the Certificate Officer on account of obstruction created by the Anganbari Sevika. Other leg of argument is that the Certificate Officer, without examining facts of the case and points of law taken by the petitioner, in one line has rejected the objection.

As the petitioner submits that he is ready to cooperate the proceeding as he could not appear on account of certain unavoidable circumstances so, an opportunity of hearing may be given to him.

Learned counsel for the Bank has pointed out that in



the objection, the petitioner has stated that he is ready to liquidate the dues.

Looking to the entire facts and circumstances of the case, the order dated 10.04.2017 is set aside and the petitioner is directed to appear before the authority on 4th of September, 2017 along with a copy of this order and the Certificate Officer, Bettiah, West Champaran will be obliged to examine the objections raised by the petitioner and, after giving an opportunity of hearing to the petitioner, will take a decision in accordance with law.

The petitioner will not be arrested till 4th of September, 2017.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2017
Transmission Date	NA

