

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16827 of 2016

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Ram Sudist Narain Jha Son of Late Pratap Narain Jha, resident of village and
P.O. Koraiyari, P.S. Sursand, District - Sitamarhi

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Finance Department,
Bihar, Patna
2. District Magistrate, Sitamarhi
3. Sub - Divisional Officer, Sadar at Sitamarhi
4. Sub - Divisional Certificate Officer, Sitamarhi

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh No. 1, Advocate

For the Respondents : Mr. Raghwendra Kumar, SC22

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-02-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for quashing
the notice issued under Section 7 of the Bihar & Orissa Public Demand
Recovery Act, 1914 in Certificate Case No. 50/2015-16 for recovery of
loan amount of Rs. 7,39,560/-.

3. Learned counsel for the petitioner submits that the
loan in question has been taken by some unknown person by forging
the petitioner's signature. It is stated that the petitioner has not taken
loan in question, as such the question of recovery of the same from the
petitioner is wholly arbitrary and illegal.

4. Having regard to the nature of the grievance of the
petitioner, this Court is of the view that the issue whether or not the



loan was taken by the petitioner or by some other person after forging his signature involves the disputed question of fact which cannot be gone into in the present writ petition. This Court therefore is not inclined to interfere in the matter.

5. The writ petition is accordingly disposed of with liberty to the petitioner to seek remedy for redressal of his grievances before the appropriate forum.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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