

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14450 of 2015

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Diwan Shahanawaj Khan son of Late Hamid Khan, resident of village Naughara,
Police Station- Chainpur, District- Kaimur (Bhabhua).

.... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of finance, Government of India, New Delhi.
2. The State Bank of India through its Branch Manager, State Bank of India agriculture development Branch, Bhabhua at Bhabhua, District Kaimur (Bhabhua).
3. The Regional Manager, State Bank of India, Patna, Bihar.
4. The State of Bihar through the collector-cum-District Magistrate, Kaimur at Bhabhua.
5. The Certificate officer, Kaimur (Bhabhua) District- Bhabhua.

.... Respondents

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Appearance :

For the Petitioner : Mr. Pancham lal Jaiswal
Mr. Pradhan Murli Manohar Prasad,
Mr. Raju Kr. Goswami, Advocates
For Respondent-Bank : Mr. Satya Prakash Tripathy, Advocate
For the State : Mr. Anuj Kumar, AC to GP 24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-08-2018

Heard learned counsel for the petitioner, learned counsel

for the respondent-Bank as well as learned counsel for the State.

2. The present writ petition has been filed for the
following relief –

*“(i) To pass an appropriate writ/writs, order/orders,
direction/directions against the respondents to
specifically decide the objection filed by the petitioner
under Section 9 of B & O Public Demand Recovery Act,
1914 in Bank Certificate case No. 5(B)/07-08.*



(ii) To pass appropriate writs order/orders directing respondent authority not to take coercive steps against the petitioner.

(iii) To Pass an appropriate writ/writs, order/orders to urgently enquire into the matter whether the petitioner is liable to pay loan or not or his dues has been waived under the central government waiver scheme in year 2008 issued by the finance department Government of India against the Agricultural loans.

(iv) To Pass an appropriate writ/writs, order/orders quashing certificate proceeding and Notice of Certificate case No.- 5(B)/07-08 pending before certificate officer, Collectorate, Kaimur at Bhabhua.

(v) To pass appropriate writ order/orders directing the respondent authority to reliefs to which the petitioner is entitled.”

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 5(B)/2007-08 against the petitioner under the provisions of the Bihar & Orissa Public Demands Recovery Act (for short, “the Act”) for recovery of the dues amounting to Rs. 3,66,108/- are wholly illegal and liable to be quashed.

4. Learned counsel for the petitioner submits that the petitioner has already filed the objection petition under Section 9 of the Act but till date the aforesaid objection petition has not been disposed of.

5. In the above circumstances, the present writ petition



is disposed of with a direction to the Certificate Officer, Kaimur (Bhabhua) District Bhabhua (respondent no. 5) to dispose of the objection petition filed under Section 9 of the Act, if still pending, on its own merits within a period of four weeks from the date of receipt/ production of a copy of this judgment in accordance with law and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such petition, the Certificate Officer, Kaimur, Bhabhua shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 5(B)/2007-08.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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