

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19776 of 2015

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1. Uttam Sharma, son of Vishnu Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
2. Smt. Urmila Devi, wife of Rajeshwar Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
3. Raj Kishore Sharma, Son of Dashrath Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
4. Dashrath Sharma, son of Sokhi Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
5. Smt. Sudha Devi, wife of Arun Sharma, Resident of Village- Navtol Got, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
6. Sri Rajesh Kumar @ Rajesh Sharma, Son of Mahendra Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
7. Vijay Kumar Sharma @ Vijay Sharma Son of Ramkhelawan Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
8. Vishundeo Sharma, Son of Fulchand Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
9. Sri Kamleshwari Sharma, Son of Arjun Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
10. Sri Upendra Sharma, Son of Sri Brahmdeo Sharma, Resident of Village- Navtol, Post Office - Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
11. Sri Ram Lakhan Sharma, Son of Sri Turki Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
12. Ghanshyam Mandal, Son of Akal Mandal, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
13. Kamdeo Sharma, Son of Baje Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
14. Smt. Lakshmi Devi @ Lakshmini wife of Koka Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
15. Bhubneshwar Sharma, Son of Late Prayag Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
16. Girdhari Sharma, Son of Amodi Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
17. Bindheshwari Sharma, Son of Late Muni Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
18. Jai Prakash Sharma, Son of Kaleshwari Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
19. Dayanand Sharma, Son of Mishri Sharma, Resident of Village- Navtol, Post



- Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
20. Parmanand Sharma, Son of Naiti Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
21. Kundan Sharma @ Kudan Sharma, Son of Ram Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
22. Sri Vidyanand Chaurasia, son of Sri Baldeo Chaurasai, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
23. Md. Jabbar, son of Md. Jalli, Resident of Village- Tiwari Basa, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
24. Mahesh Sharma, Son of Ramdeo Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
25. Suresh Sharma, Son of Sri Jhakas Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
26. Smt. Ghuriya Devi, wife of Bhuneshwari Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
27. Motilal Sharma @ Moti Sharma, Son of Kamleshwari Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
28. Jawahar Sharma, Son of Sri Bedo Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
29. Sri Bedai Sharma @ Bedi Sharma, Son of Rajo Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
30. Umesh Sharma, Son of Sahdeo Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
31. Chandan Sharma, Sn of Kailash Sharma, Resident of Village- Navtol Got, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
32. Sanoj Sharma, @ Sanoj Sharma, Son of Satya Narayan Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
33. Sri Akhilesh Sharma, Son of Late Ganpati Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
34. Sri Darogi Sharma, Son of Sri Tarani Sharma, Resident of Village- Tiwari Basa, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
35. Bashudeo Mandal, Son of Bhadu Mandal, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
36. Rajesh Kumar Mandal @ Rajesh Mandal, Son of Bashudeo Mandal, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
37. Gopal Sharma, Son of Swarup Lal, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
38. Smt. Rani Devi, wife of Tribhuwan Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.



39. Smt. Anita Devi, wife of Tapeswar Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.
40. Sri Makkhan Mandal, son of Dhani Mandal, Resident of Village- Kari Singh Basa, Post Office- Sahjadpur, Police Station- Udakishunganj, District- Madhepura.
41. Mukteswar Sharma, Son of Uma Kant Sharma, Resident of Village- Navtol, Post Office- Naya Nagar, Police Station- Udakishunganj, District- Madhepura.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Madhepura.
3. The Certificate Officer, Madhepura.
4. The Zonal Manager, Central Bank of India, Patna, having his office 2nd Floor, Block-B, Maurya Lok Complex, Dak Banglow Road, Patna, 800001.
5. The Regional Manager, Central Bank of India, Patna, having his office, Central Bank of India, Regional Office, P.B. No. 34, Sneha Bhawan, Bhatt Bazar, Purnea, 854301.
6. The Branch Manager, Sahajadpur Branch, Central Bank of India.
7. Deepak Mishra, son of Murlidhar Mishra, Resident of Village- Naya Nagar, Navtol, ward No. 8, Police Station- Udakishunganj, District- Madhepura.
8. Sachida Nand Sharma, Son of Baijnath Sharma, Resident of Village- Naya Nagar, Navtol, ward No. 8 Police Station- Udakishunganj, District- Madhepura.

.... Respondents

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Appearance :

For the Petitioners : Mr. Shekhar Kumar Singh,
Mr. Raja Surendra Mohan, Advocates
For the State : Mr. Raghwanand, GA 11
Dr. Kamaldeo Sharma, AC to GA 11
For Respondent-Bank : Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-09-2018

The present writ petition has been filed for quashing the notice dated 06.12.2012 issued under Section 7 of the Bihar & Orissa Public Demand Recovery Act (for short, "PDR Act") in Certificate Case nos. 142/2014-15, 108/2014-15, 68/2014-15, 145/2014-15, 111/2014-15, 117/2014-15, 122/2014-15, 121/2014-15, 113/2014-



15, 34/2014-15, 29/2014-15, 139/2014-15, 135/2014-15, 149/2014-15, 132/2014-15, 113/2014-15, 211/2014-15, 151/2014-15, 140/2014-15, 207/2014-15, 137/2014-15, 146/2014-15, 73/2014-15, 133/2014-15, 106/2014-15, 71/2014-15, 118/2014-15, 135/2014-15, 76/2014-15, 109/2014-15, 99/2014-15, 130/2014-15, 110/2014-15, 107/2014-15, 119/2014-15, 120/2014-15, 134/2014-15, 192/2014-15 and 64/2014-15 by the respondent no. 3; and further issuance of a direction to the respondents not to take any coercive step against the petitioners.

2. At the very outset, it may be noted that the petitioners are unable to show from the writ petition that any objection was filed under Section 9 of the PDR Act before the Certificate Officer.

3. In the above view of the matter, the present writ petition is disposed of granting liberty to the petitioners to file their objection petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer, Madhepura (respondent no. 3) on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

4. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Madhepura shall refrain from resorting to any coercive action for recovery of the dues against the petitioners in



Certificate Case Nos. 142/2014-15, 108/2014-15, 68/2014-15, 145/2014-15, 111/2014-15, 117/2014-15, 122/2014-15, 121/2014-15, 113/2014-15, 34/2014-15, 29/2014-15, 139/2014-15, 135/2014-15, 149/2014-15, 132/2014-15, 113/2014-15, 211/2014-15, 151/2014-15, 140/2014-15, 207/2014-15, 137/2014-15, 146/2014-15, 73/2014-15, 133/2014-15, 106/2014-15, 71/2014-15, 118/2014-15, 135/2014-15, 76/2014-15, 109/2014-15, 99/2014-15, 130/2014-15, 110/2014-15, 107/2014-15, 119/2014-15, 120/2014-15, 134/2014-15, 192/2014-15 and 64/2014-15.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.09.2018
Transmission Date	N.A.

