

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13176 of 2013

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Arjun Prasad Son of Late Bulkan Prasad Resident Of Village- Bhadalu, P.S.-
Nagarnausa, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Nalanda at Biharsharif
3. The Certificate Officer, Nalanda at Bihrasharif
4. The Executive Officer, Bihar Panchayat Raj Financial Corporation Ltd.
Nalanda at Bihar Sharif

.... Respondent/s

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Appearance :

For the Petitioner/s : DR. ANJANI PD. SINGH, Advocate

For the Respondent/s : Mr. MANOJ KR. AMBASTHA

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-08-2018

The present writ petition has been filed for quashing the notice
09.04.2013 in reference to Certificate Case No. 1/90-91/169/10-11 issued by
the Circle Officer-cum-Certificate Officer, directing that if the petitioner fails
to appear before him on 18.04.2013 with Rs. 38,400/- along with interest
and Rs. 100/- towards cost of talbana, the Officer-in-Charge will be directed
to take steps for issuance of warrant of attachment.

2. Learned counsel for the petitioner submits that in the earlier
round of litigation the petitioner had approached this Court in CWJC No.
4731 of 1991 (Arjun Prasad vs. The State of Bihar and Ors.) which was
disposed of on 24.04.1992 granting permission to the petitioner to withdraw
the application to enable him to move the Certificate Officer. It is submitted



that the petitioner in his individual capacity was not liable for the loan granted by the Bihar Panchayati Raj Financial Corporation Ltd. (Respondent No. 4).

3. Learned counsel for the respondents on the other hand opposes the writ petition and invites reference to para 13 of the counter affidavit. It is stated that the petitioner was the then Mukhiya and had failed to maintain proper accounting of the loan amount in terms of Clause 11 of the agreement and hence the petitioner is personally liable for payment of the outstanding loan amount.

4. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. Pursuant to the order of this Court in CWJC No. 4731 of 1991 passed as far back as in the year 1992, the petitioner has not shown that he had approached the Certificate Officer for appropriate relief. Moreover, the stand of the respondents has also not been controverted and no rejoinder has been filed. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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