

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8532 of 2015

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Ajay Kumar Chaudhary, son of Amar Nath Choudhary, Resident of village +
Post-Gorkha, P.S. Bahera, District - Darbhanga

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate - Cum - Collector, Darbhanga
3. The Certificate officer, Benipur District - Darbhanga
4. The Branch Manager, State Bank of India, A.D.B. (Agriculture Development
Branch) Benipur District - Darbhanga

.... Respondents

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Appearance :

For the Petitioner : Mr. Pankaj Kumar Jha, Advocate.

For the Respondents : Mr. N.K. Singh, SC-2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-08-2018

The present writ petition has been filed for the following

reliefs –

“(i) For issuance of writ/writs, order/orders, direction/directions in the nature of certiorari for quashing in the impugned order dated 24.11.2014 passed by the Certificate Officer, Darbhanga whereby and wherender the objection petition filed by the petitioner u/s 9 of the Public Demands Recovery Act, 2014 has been rejected and directed the petitioner to deposit the loan amount containing Rs. 4,05,134/- within one week failing which the necessary action should be taken against the petitioner.

(ii) For further prayer of the petitioner to quash the certificate case no. 56/2010-11, which is pending in the



court of Certificate Officer, Banipur, Darbhanga whereby and whereunder the respondent no. 4 (Branch Manager, ADB, Benipur) has filed a certificate case before the respondent no. 3 (the certificate officer, Benipur, Darbhanga) total containing amount Rs. 4,05,134/- by which the proceeding has been started against the petitioner, while the petitioner as the small Farmer took away loan of Rs. 2,90,000/- in year 2006, whereas the loan sanctioned by the State Bank of India, Agriculture Development Branch, Benipur, Darbhanga the petitioner is small Farmer owner less than two hector of land, therefore for purchasing of the tractor for agriculture purpose the loan was sanctioned.

(iii) For further prayer of the petitioner during the pendency of the writ application may kindly stay the further proceeding of certificate case no. 56/2010-11.

(iii) For further any other relief/reliefs, order/orders, may deemed file and proper in the facts and circumstances of the case."

2. At the very outset, this Court takes note that the petitioner has alternative statutory remedy against the order of cancellation by way of appeal before the Collector, which has not been availed of by the petitioner.

3. Learned counsel for the petitioner fairly accepts that remedy by way of appeal is available.

4. In the above circumstances, the writ petition stands dismissed with liberty to the petitioner to file appropriate statutory



appeal against the impugned order of cancellation.

5. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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