

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14448 of 2015

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Birendra Kumar Yadav, S/o Ajab Lal Yadav, R/o village Afjal Nagar, PO- Launa,
Parsa, PS Tarapur, District Munger.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Managing Director, Union Bank of India, Bihar, Patna
3. Branch Manager, Union Bank of India, Rangaon Branch, PO Rangaon, P.S. Tarapur, District Munger.
4. The District Certificate officer, Munger, District Munger.
5. Sajan Kumar Bhagat @ Dablu Bhagat, Prop. Jamui, Motor Jamui, S/o Pratap Bhagat @ Shyam Narayan Bhagat, R/o village Maharajganj, PO & PS- Jamui, District Jamui.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sharda Nand Mishra,
Mr. Dhananjay Kumar Gupta
For Respondent-Bank : Mr. Nishi Nath Ojha, Advocate
For the State : Mr. Kumar Vikram, AC to GA 4

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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 quashing the order dated 20.07.2015 by which the District Certificate Officer Munger rejected the objection petition filed on 17.07.2015 under Section 9 of the Bihar & Orissa Public Demand Recovery Act; and further for quashing the entire certificate proceedings in Certificate Case No. 52/2014-15.

3. At the very outset, this Court takes note that the



impugned order has been passed disposing of the objection petition filed under Section 9 of the PDR Act against which the petitioner has statutory remedy under Section 60 of the PDR Act by way of filing appeal.

4. In the above view of the matter, this Court is not inclined to enter into the merits of the matter. The writ petition stands disposed of granting liberty to the petitioner to prefer an appeal against the impugned order dated 20.07.2015 passed by the District Certificate Officer, Munger in Certificate Case No. 52/2014-15, if so advised, in terms of the provisions of the PDR Act which, if filed, should be considered and disposed of on its own merits and in accordance with law.

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)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11. 09.2018
Transmission Date	N.A.

