

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7721 of 2015

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Md. Junaid Shahab, Son of Md. Shahabuddin, Resident of Mohalla - Laheri, P.S. - Laheri, Town, Biharsharif, District - Nalanda.

.... Petitioner

Versus

1. The State of Bihar.
2. The Additional Collector-cum-Certificate Officer, Nalanda at Biharsharif.
3. The Canara Bank through its Branch Manager, Biharsharif Branch, Biharsharif, District - Nalanda.

.... Respondents

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Appearance :

For the Petitioner : Mr. Bhola Prasad,
Mr. Amar Nath Singh, Advocates
For the Respondents : Mr. Alok Ranjan, AC to AAG9
For Respondent-Bank : Mr. Ratnesh Nandan Sinha,
Mr. Purushottam Prasad, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-09-2018

The present writ petition has been filed for quashing the notice dated 17.04.2015 issued by the Certificate Officer, Nalanda at Biharsharif in Certificate Case No. 03/2014-15 which has been initiated for recovery of Rs. 5,28,129/- inasmuch as the said notice does not satisfy the fundamental requirement of the principles of natural justice; and for connected relief.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 03/2014-15 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, "PDR Act") for recovery of the dues amounting



to Rs. 5,28,129/- - are wholly illegal and liable to be quashed.

3. Learned counsel for the respondents submits that the petitioner does not appear to have filed any objection petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the respondents.

4. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his 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, Nalanda at Biharsharif (respondent no. 2) 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.

5. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Nalanda at Biharsharif shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 03/2014-15.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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