

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19251 of 2015

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Bhagawan Ji Jha @ Bhagawan Jee Jha Son of Sri Shiv Narayan Jha, Resident of
Mohalla - Sitapatti, Police Station - Phulparas, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Registrar Co-operative Society Bihar Patna.
2. The Branch Manager, Land Development Bank Jhanjharpur Branch Madhubani.
3. The District Magistrate, Madhubani.
4. District Certificate Officer, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. ANSHUMAN SINGH- GP24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-08-2018

None appears on behalf of the petitioner despite repeated calls.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 09/2013-14 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands recovery Act (for short, "the Act") for recovery of the dues amounting to Rs. 3,19,004/- are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner in this case is that a warrant of arrest has been issued against him in connection with the dues amounting to Rs. 3,19,004/- recoverable in terms of the notice dated 13.10.2014 issued by the District Certificate Officer, Madhubani in Certificate Case No. 09/2013-14.

4. Learned counsel for the respondent-Corporation submits that the petitioner does not appear to have filed any petition under Section



9 of the Act denying his liability, and as such there is no illegality in the action of the respondents.

5. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his 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 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.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Madhubani shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 09/2013-14.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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