

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15194 of 2015

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1. Ashish Prasad Yadav son of Jagdish Yadav
2. Pawan Kumar Yadav son of Ashish Prasad Yadav
Both residents of village - Jagatpur, P.S. - Sahu Parbatta, District - Bhagalpur.
..... Petitioners

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Branch Manager, UCO Bank, Sahu Parbatta Branch, District - Bhagalpur.
3. The Sub-Divisional Magistrate, cum Certificate Officer, Naugachia, District - Bhagalpur.

..... Respondents

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Appearance :

For the Petitioners : Mr. Rajesh Kumar Pandey, Advocate.
For the UCO Bank : Mr. Ranjeet Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-10-2018

Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs –

“(A) A writ in the nature of certiorari or any other appropriate writ, order/orders, direction/directions to the respondents concerned to cancel the notice dated 27.07.2013 passed in Certificate Case No. 31 of 2011-12 by the Certificate Officer, Naugachia, District- Bhagalpur against the petitioners.

(B) To direct the respondent authority to not threat and taken any coercive step regarding the notice in Certificate Case in question against petitioners.

(C) To any other relief/reliefs for which the petitioners is entitled for.”



3. At the very outset, learned counsel for the petitioners submits that it will suffice if the petitioners are granted liberty to file an objection petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act (for short, “the PDR Act”) before the Certificate Officer, in which event the main reliefs in the writ petition need not be pressed.

4. Learned counsel for the respondents appears and expresses that he has no objection in this regard.

5. Considering the stand of the petitioners, the present writ petition is disposed of granting liberty to the petitioners to file their objection petition under Section 9 of the PDR 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. The writ petition is disposed of with the aforesaid liberty.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
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