

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13339 of 2015

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Dr. Rajesh Prasad @ Rajesh Prasad Gupta, son of Shiv Nath Gupta, resident of village Tulsiyahi, P.O. Rahua, P.S. Bangaon, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Certificate Officer, Saharsa.
3. The UCO Bank, through its General Manager, Bihar Region, Patna.
4. The Zonal Manager, UCO Bank, Begusarai Zone, District Bhagalpur.
5. The Branch Manager, UCO Bank, Saharsa Branch, District Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv
For the UCO Bank : Mr. Ranjeet Kumar Pandey, Adv
For the State : Mr. Uday Prasad, AC to GP 22

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-09-2018

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

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 23/2014-15 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. 13,39,491.00 are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner is that a notice has been issued against him in connection with the dues amounting to Rs. 13,39,491.00 recoverable in terms of the notice dated 14.03.2015 issued by the District Certificate Officer, Saharsa in Certificate Case No. 23/2014-15.

4. Learned counsel for the respondents appears and has been heard.



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 District Certificate Officer, Saharsa shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 23/2014-15.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

