

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7657 of 2015

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Rana Pratap Singh son of Late Bindeshwari Singh Resident of village - Tenduni Shivaji Nagar, near Gosai Mohalla, P.O.- Bikramganj, P.S.- Bikramganj, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Rohtas at Sasaram.
3. The Certificate Officer, Bikramganj, District- Rohtas.
4. The Branch Manager, State Bank of India, Bikramganj, District- Rohtas.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Rajani Kant Singh, Advocate.
For the SBI	:	Mr. K.K. Sinha
		Mr. Sunil Kumar Singh, Advocates.
For the State	:	Mr. M.N.H Khan, SC-1
		Mrs. Babita Kumari, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-08-2018

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

2. The present writ petition has been filed for quashing the notice dated 11.11.2014 issued by the Certificate Officer, Bikramganj, Rohtas (respondent no. 3) in Certificate Case No. 93/2014-15 as contained in Annexure-2 whereby the Certificate Officer directed the petitioner to file his objection as to why Rs. 54,425/- may not be realized from him.

3. It is submitted that the petitioner requested the respondent Bank (respondent no. 4) for the details of the outstanding



amount to be paid and to adjust the margin money and subsidy from the loan amount upon which the dues would be paid. However without notice to the petitioner, the respondent Bank issued requisition for initiation of the certificate proceedings for recovery an amount in excess of legitimate dues recoverable from the petitioner.

4. Learned counsel for the respondents 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. Be that as it may, 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 four 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, Bikramganj, District- Rohtas shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 93/2014-15.

7. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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