

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20048 of 2013

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Pramod Kumar, Son of Late Shri Babu Nandan Prasad, Resident of Nand Lal Chowk, at and P.S. Naugachia, District: Bhagalpur

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Bhagalpur, District Bhagalpur
2. The District Magistrate, Bhagalpur, At and District Bhagalpur
3. The Certificate Officer-cum-Sub-Divisional Officer, Naugachia, District: Bhagalpur
4. The Branch Manager, State Bank of India, Naugachia, District: Bhagalpur

... Respondents

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Appearance :

For the Petitioner : Mr. Anjani Kumar Sinha No-1, Advocate

For the State : None

For Respondent-Bank : Mr. K.K. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-08-2018

The present writ petition has been filed for quashing the order dated 09.02.2011 passed by the Certificate Officer-cum-Sub-Divisional Officer, Naugachia, the Respondent No. 3 in Certificate Case No. 01 of 2008-09 (Annexure-6) whereby he has rejected the objection filed by the petitioner under Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1914 (for short, "PDR Act").

2. Learned counsel for the petitioner submits that the petitioner had denied his liability, raising an objection that he had retired from the partnership firm with effect from 23.11.2006 itself and thus was not liable to be proceeded against. It is further submitted



that the Certificate Officer has however arbitrarily rejected the petitioner's objection under Section 9 of the PDR Act and has merely directed the petitioner to approach the Bank for settlement of the dispute between the petitioner and his brother.

3. None appears on behalf of the respondent-State despite repeated calls.

4. Learned counsel for the respondent-Bank appears and has been heard.

5. No doubt, there is some merit in the contention of the petitioner that the objection petition filed under Section 9 of the PDR Act was required to be decided on its merits. However, having regard to the peculiar nature of the objection with regard to denial of liability on the ground that the petitioner had retired from the partnership firm with intimation of such retirement given to the Bank, the Certificate Officer by letter no. 1099 dated 17.09.2013 (Annexure-7) had written to the Branch Manager of the Bank seeking information as to the persons from whom recovery of Rs. 6,95,296/- was required to be made.

6. In the circumstances, this Court is of the view that the ends of justice will be met if the Bank is directed to submit the concerned report pursuant to the Certificate Officer's letter dated 17.09.2013 (Annexure-7) after grant of opportunity of hearing to the



petitioner. Such exercise should be completed within a period of six weeks from the date of receipt/production of a copy of this judgment.

7. The impugned order dated 09.02.2011 (Annexure-6) is set aside with a direction to the Certificate Officer, Naugachia to pass fresh orders under Section 10 of the PDR Act upon receipt of the relevant report from the Bank and after grant of opportunity of hearing to the petitioner in accordance with law. In the meantime, the Certificate Officer shall refrain from taking coercive steps for recovery of the outstanding dues from the petitioner.

8. The writ petition stands disposed of with the aforesaid observations and directions.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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