

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24219 of 2013

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1. Harendra Pandey S/O Late Girija Pandey Resident of Vill. + Post Office - Tarwar, P.S. Bheldi, Distt. Saran (Chhapra)
2. Arvind Kumar Singh S/O Late Ram Prasad Singh Resident of Vill. Rahimpur, Karu, P.O. Hussepur, P.S. Amnor, Distt. Saran (At Chhapra)

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Collector, Distt. Saran at Chhapra, Bihar
3. The Deputy Collector Incharge-Cum-Certificate Officer, District Treasury, District Saran (Chhapra) Bihar
4. The State Bank of India, through The Branch Manager, Branch- Amnor, District Saran (Chhapra)
5. The Branch Manager, the State Bank of India, Branch- Amnor, District Saran (Chhapra), Bihar

.... Respondent/s

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Appearance :

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| For the Petitioner/s | : | None |
| For the Bank | : | Mr. Kaushalendra Kumar Sinha, Adv
Mr. Sunil Kumar Singh, Adv |
| For the State | : | Mr. Sanjay Prasad, AC to AAG 4 |

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-08-2018

The present writ petition has been filed for staying the operation of bailable warrant issued against Harendra Pandey (Petitioner no. 1) in Certificate Case No. 5/2011-12 by order of the Certificate Officer-cum-Deputy Collector Incharge, District Treasury, Saran dated 05.01.2013 and staying the operation of order against Arvind Kumar Singh in Certificate Case No. 2/2011-12 by order of the Certificate Officer-cum-Deputy Collector Incharge, District Treasury,



Saran dated 15.01.2013 and proceedings of above mentioned both certificate cases be quashed in view of the fact that this matter has already been settled down by permanent Lok Adalat, District Saran, Chhapra, in Loan Case No. 18/2011 and Loan Case No. 20/2011 by its order dated 25.06.2012.

2. None appears on behalf of the petitioner despite repeated calls.

3. A perusal of the averments in paragraphs 11 to 14 of the writ petition discloses that the claim for Rs. 5,71,238.47 in Loan Case No. 18 of 2014 relating to the petitioner no.1 and Rs. 5,52,266/- in Loan Case No. 20 of 2011 relating to petitioner no. 2 was settled by the permanent Lok Adalat at Rs. 4,00,000/-and Rs. 3,47,000/- respectively (Annexures 5 and 6 series). It is stated that however, owing to drought conditions, the petitioners were unable to pay the amounts in question as determined in terms of the compromise between the parties.

4. Learned counsel for the respondent-Bank appears and states that failure to pay the amount under compromise is admitted and hence, no infirmity exists in the recovery proceedings.

5. Having regard to the averment in the writ petition and the stand of the respondent-bank, this Court is not inclined to pass any positive order. The writ petition is disposed of with liberty to the



petitioner to approach the concerned respondents for extension of time for making payment in view of the averments in paragraph 14 of the writ petition.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	NA

