

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10681 of 2015

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Rabindra Rai Son of Sri Ramotar Rai Resident of village and P.O. Shokhara, .P.S. Barauni, District Begusarai.

.... Petitioner

Versus

1. The State of Bihar through Collector Begusarai
2. Certificate Officer, Begusarai.
3. The Branch Manager, State Bank of India, Main Branch, Begusarai

.... Respondents

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Appearance :

For the Petitioner : Mr. Amresh Kr. Verma, Advocate

For the State : Mrs. Nivedita Nirvikar- GA7

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-09-2018

Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the respondent-Bank.

2. The present writ petition has been filed for quashing the entire proceeding of Certificate Case No. 10/2015-16 and certificate notice dated 07.04.2015 with Form No. 1 and Form No. 2 issued by the District Certificate Officer, Begusarai for depositing the amount of Rs. 1,18,487/-.

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 10/2015-16 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, "PDR Act") for recovery of the dues amounting to Rs. 1,18,487/- are wholly illegal and liable to be quashed.



4. Learned counsel for the respondents submits that the petitioner does not appear to have filed any objection petition under Section 9 of the PDR Act denying his liability, and as such there is no illegality in the action of the respondents.

5. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his 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, Begusarai (respondent no. 2) 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, Begusarai shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 10/2015-16.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	.09.2018
Transmission Date	N.A.

