

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8594 of 2013

=====

Jai Prakash Singh, S/O Late Brajnandan Prasad Singh, Resident of Village -
Keshopatti, P.S. Kalyanpur, District - Samastipur

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Institutional Finance
(Finance Department, Bihar)
2. The District Certificate Officer, Samastipur
3. The State Bank of India, Nariman Point, Mumbai
4. The State Bank of India, Main Branch, Samastipur Represented through its
Branch Manager
5. The Branch Manager, the State Bank of India, Main Branch, Samastipur
6. B.K. Bose, the then Branch Manager, the State Bank of India, Main Branch,
Samastipur

.... Respondents

=====

Appearance :

For the Petitioner : None
For the State : Mr. Manoj Kumar, AC to GP 4
For the SBI : Mr. Alok Kumar Choudhary, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-07-2018

I.A. No. 2246 of 2018

This interlocutory application has been filed for
substitution of the sole petitioner, who died on 25.01.2018, during the
pendency of the writ petition.

2. Learned counsel for the respondents appears and has
no objection to such prayer.

3. Having regard to the nature of the prayer, let the name



of the petitioner be substituted with the name of his legal heirs, namely, his widow Geeta Devi, two major sons, namely, Manjeet Kumar Singh, Raja Kumar, and three daughters, namely, Ranjeeta Devi, Mona Devi and Soni Singh, as described in paragraph 2 of the I.A. The interlocutory application stands disposed of.

CWJC No. 8594 of 2013

4. The main writ petition has been filed for the following reliefs –

“(a) To issue a writ in the nature of certiorari for quashing of the process & proceeding of the certificate case no. 148/2007-08.

(b) To issue a writ in the nature of certiorari to quash the entire certificate case bearing certificate case no. 148/2007-08 because the petitioner never applied for any short (sic) of personal loan in the S.B.I., Mina Branch, Samastipur.

(c) To issue a writ in the nature of mandamus commanding the Res. No. 3 to 6 to produce the documents pertaining to loan sanctioning process.

(d) To issue a writ in the nature of mandamus commanding the certificate officer (Res. No. 2) asking therein that whether the objection petition as mandate U/S-9 of the Bihar & Orissa Public Demand and Recovery Act was adjudicated, as per sanction of law.

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



6. Learned counsel for the respondent-State Bank of India submits that the stand of the original petitioner that he had never opened an account with the State Bank of India is incorrect. This stand has specifically been controverted in the counter affidavit stating that the original petitioner had saving bank account bearing Account No. 01190021201 with Samastipur Branch, Samastipur in which personal loan of Rs. 1,80,000/- was credited on 12.04.2005 out of which a sum of Rs. 1,75,000/- was withdrawn on the same day. It is further stated that not a single installment of the loan has been paid by the petitioner as evident from the statement of the loan account annexed as Annexure-B to the counter affidavit.

7. A counter affidavit has been filed on behalf of the District Certificate Officer (respondent no. 2), according to which in absence of the comments/report of the Requisitioning Officer, namely, Branch Manager, State Bank of India, Main Branch, Samastipur despite request, the certificate proceeding in Certificate Case No. 148/2007-08 against the petitioner was ultimately dropped by order dated 08.02.2013.

8. In the above view of the matter and considering that certificate proceeding itself has been dropped against the petitioner, no further order is required to be passed in the matter.

9. The writ petition stands disposed of.



B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.07.2018
Transmission Date	N.A.

