

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7984 of 2018

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Abdul Samad Ansari S/o Late Samir Ansari, R/o Village + P.O. Ramgarh, P.S. Ramgarh, Distt. Kaimur

... Petitioner

Versus

1. The State of Bihar through the Collector, Kaimur
2. Certificate Officer, Mohania (Kaimur).
3. Branch Manager, Bank of India, Ramgarh Branch, Ramgarh, Dist.-Kaimur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Mahesh Prasad,
Mr. Rewti Kant Raman, Advocates

For the Respondents : Mr. Anil Kumar Singh GP-26

For Respondent-Bank : Mr. Sanjay Singh Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-05-2018

Heard learned counsel for the petitioner as well as learned counsel for the respondents.

2. The present writ petition has been filed for quashing the entire proceeding of Certificate Case no. 94/2014-15 pending in the Court of Certificate Officer, Mohania which has been filed against the petitioner by the Branch Manager, Bank of India, Ramgarh Branch, Ramgarh, District Kaimur.

3. Learned counsel for the petitioner submits that the entire certificate proceeding is wholly illegal and without authority of law as a defective requisition has been issued with a number of blanks, such as the name of the district, date, verification and certification of the amount. So also in the certificate issued in Form No. 1, Certificate Officer has not recorded his satisfaction with respect to the amount outstanding from the



petitioner. Reliance is placed on the decisions of this Court rendered in *Hari Prasad Agrawal Vs State of Bihar reported in 1975 BBCJ 723 and also in M/s Vishnu Sugar Mills Ltd. Vs. The State of Bihar & others reported in 2015(1) PLJR 863* wherein the entire proceeding is held to be without jurisdiction for want of proper requisition and certificate.

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

5. In view of the defects in the requisition and the certificate as pointed out by the petitioner and in respect of which objection was also taken before the Certificate Officer, Mohania, Kaimur, this Court is of the view that the entire certificate proceeding in Certificate Case no. 94/2014-15 has not been validly initiated and the same is accordingly set aside, with liberty to the respondent-Bank to take fresh steps for recovery of the outstanding dues, if so advised, in accordance with law.

6. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A
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