

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18817 of 2015

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Usha Gupta W/o Sri Chandra Prakash Gupta Resident of Gupta Building,
Sahebganj, Chapra, P.S. Town Chapra, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Chapra.
3. The Certificate Officer, Chapra.
4. The Branch Manager, SBI, Chapra Branch, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Adv
For the State	:	Mr. Ramadhar Singh, GP 25
For the SBI	:	Mr. Satya Prakash Tripathi, Adv
		Mr. Satya Vrat, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-08-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 13/1991-92 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, "the Act") for recovery of the dues amounting to Rs. 54,687.55 are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner in this case is that a warrant of arrest has been issued against her in connection with the dues amounting to Rs. 54,687.55 recoverable in terms of the notice dated 20.10.1991 issued by the District Certificate Officer, Saran at Chapra in Certificate Case No. 13/1991-92.

4. It is further submitted that an objection petition under Section



9 has already been filed which is pending before the Certificate Officer but without disposing of the same, the warrant of arrest has been issued.

5. With the consent of parties, the present writ petition is disposed of with direction to the District Certificate Officer to consider and dispose of the objection petition under Section 9 of the PDR Act said to have been filed by the petitioner, on its own merits in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Saran at Chapra shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 13/1991-92.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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