

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17029 of 2015

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Meena Kumari @ Meena Devi Wife of Sri Ramabali Chaudhary, Resident of
Village - Budhaura, P.S.- Alouli, Dist.-Khagaria

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Finance,
Govt. of Bihar, Patna
2. The District Magistrate-cum-Collector, Khagaria
3. The Certificate Officer-cum-Collector, Khagaria
4. The General Manager, State Bank of India
5. The Zonal Manager, State of Bank of India
6. The Regional Manager, state bank of India
7. The Branch Manager, State of Bank of India, ADB, Khagaria

.... Respondents

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Appearance :

For the Petitioner : Mr. Manoj Kumar Singh, Advocate.
For the Respondents : Mr. D.K. Sinha, AAG-2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-08-2018

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the respondent-Corporation

2. The present writ petition has been filed for quashing the certificate dated 04.12.2010 issued by the Certificate Officer-cum-Collector, Khagaria (respondent no. 3) in Certificate Case No. 100 of 2008-09 for Rs. 1,13,072.48 as well as to quash its consequential notices.

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 100 of 2008-09 initiated against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands recovery Act (for short, "the PDR Act") for recovery of the dues



amounting to Rs. 1,13,072.48 are wholly illegal and liable to be quashed.

4. Learned counsel for the respondent-Corporation submits that the petitioner does not appear to have filed any petition under Section 9 of the 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 petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer 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, Khagaria shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 100 of 2008-09.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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