

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19353 of 2015

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Guddi Devi Wife of Manoj Kumar Gupta, Proprietor of M/s Krishna Flour Mill,
Ramgarh, P.S. Ramgarh, District - Kaimur.

.... Petitioner

Versus

1. The State of Bihar
2. Certificate Officer, Bhabhua (Kaimur).
3. Branch Manager, Bank of India, Ramgarh Branch, Ramgrah, District - Kaimur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Naresh Chandra Verma, Advocate

For the Respondents : Mr. Amar Nath Deo, SC26

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-03-2018

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

2. The present writ petition has been filed for quashing the
entire proceeding of Certificate Case No. 93 of 2015-16 pending in the
court of Certificate Officer, Bhabhua which has been filed against the
petitioner by the Branch Manager, Bank of India, Ramgarh Branch,
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.
The 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 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, this Court is of the view that the entire certificate proceeding in Certificate Case No. 93 of 2015-16 has not been validly initiated and the same is accordingly set aside, with liberty to the respondent-State to take fresh steps for recovery of the outstanding dues, if so advised, in accordance with law.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Bhabhua (Kaimur) shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 93 of 2015-16.

7. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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