

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14683 of 2017

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Mukesh Kumar, Son of Radheshyam Sah, Resident of Utari Sursand, Police Station-Sursand, District-Sitamarhi.

.... Petitioner

Versus

1. Bank of India through Its Zonal Manager, Muzaffarpur, Bihar.
2. Deputy Zonal Manager, Bank of India, Muzffarpur, Bihar.
3. Branch Manager, Sahashram Branch Bank of India, Sitamarhi.
4. Assistant Branch Manager, Sahashram Branch, Bank of India, Sitamarhi
5. The Certificate Officer, Sitamarhi
6. The State of Bihar, through the Certificate Officer, Sitamarhi

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Rajesh Kumar Rajesh Mr. Vijay Kumar Srivastva, Mr. Girish Chandra, Advocates
For Respondent-Bank :		Mr. Sanjay Singh Thakur, Ms. Parijat, Advocates
For the State	:	Mr. Ajay Kumar Rastogi, AAG 10 Ms. Smriti Singh, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-07-2018

With consent of the parties, the present writ petition has been taken up out of turn for final disposal under the heading “For Order (On Petition)”.

2. The present writ petition has been filed for the following reliefs –

“(i) For issuance of an appropriate writ, order or direction to the respondent authorities to extend the time for depositing the rest of certificate amount i.e. Rs. 7,36,491.60 for which the last date has been lapsed on 2.9.2017.



(ii) For issuance of a writ in the nature of mandamus directing the respondents to withdraw the warrant of arrest which was re-issued on 2.9.2017 so that the petitioner may be able to arrange the said amount due to the bank within the stipulated time as fixed by this Hon'ble Court.

(iii) For issuance of any other writ/order/direction to which the petitioner may be found entitled in the eye of law."

3. Learned counsel for the petitioner submits that as against total outstanding dues of Rs. 9,82,831.60 sought to be recovered in terms of the certificate, the petitioner has so far deposited about Rs. 2,67,000/-. Learned counsel submits that the petitioner is prepared to make further payment of Rs. 1,00,000/- within a period of three weeks from today.

4. Learned counsel for the State as well as learned counsel for the respondent-Bank submit that a large sum remains outstanding against the petitioner.

5. Having regard to the stand of the respective parties, this Court is of the view that the petitioner be directed to make payment of Rs. 1,00,000/- before the Recovery Officer within a period of four weeks from today. Thereafter the petitioner is granted liberty to file an objection petition under Section 9 of the Bihar & Orissa Public



Demand Recovery Act, 1914 before the Certificate Officer, Sitamarhi (respondent no. 5) which, as stated, has not so far been done, within a period of two weeks thereafter. In case an objection petition is filed within the stipulated period, the same shall be considered and disposed of in accordance with law and after grant of hearing to the petitioner.

6. In the meantime, no coercive step shall be taken against the petitioner for recovery of the dues in connection with Certificate Case No. 62 of 2016-17 till expiry of time for filing objection petition as aforesaid.

7. The writ petition accordingly stands disposed of. The interlocutory application bearing I.A. No. 3032 of 2018 also stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.07.2018
Transmission Date	N.A.

