

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16771 of 2019**

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Kamakhya Narain Singh, aged 54 years (Male), S/o Late Bhuneshwer Singh  
Resident of Village-Kheraje Sahpur, P.O. Lal Shahpur, P.S. Sadar (Mabbi  
O.P.), Chairman Simra Nehalpur PACS, District-Darbhangha.

... .. Petitioner

Versus

1. The State of Bihar through the Collector, Darbhanga.
2. The Registrar Cooperative Societies, Govt. of Bihar, Patna
3. The Collector, Darbhanga.
4. The District Cooperative Officer Darbhanga Cum District Certificate Officer Darbhanga.
5. The Block Co-operative Officer, Bahadurpur, District Darbhanga.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Amarendra Narayan, Advocate  
For the Respondent/s : Mr.Sushil Kumar (GP22)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      22-10-2019                      In paragraph ‘16’ of the writ application petitioner

has made a specific statement in the following terms: -

“16. That petitioner respectfully states that petitioner was not given any notice in demand of any amount prior to issuance of requisition for certificated in Form-2 nor any notice or opportunity to rebut his position was afforded during the certificate proceeding. From perusal of Annexure-2, it is manifest that the certificate proceeding was not maintained in accordance with law and without complying with the mandates of law, the execution case has been levied and order for executing warrant of arrest has been ordered.”

A counter affidavit has been filed on behalf of respondent no. 4 duly sworn by the District Cooperative Officer, Darbhanga. In the counter affidavit the statements made in paragraph ‘16’ of the writ application has not at all



been answered and there is no denial of the said statement. Learned counsel for the petitioner submits that in such circumstance the Certificate Officer would not be justified in issuing a warrant of arrest against the petitioner as has been done vide Annexure '1' dated 30.05.2019 to the writ application.

It is submitted that the petitioner is willing to appear in the certificate proceeding and file his objection which may be considered by the Certificate Officer and only after consideration the liability of the petitioner may be determined in accordance with law.

After hearing learned counsel for the petitioner and learned counsel for the State as also on a careful perusal of the statements made in the writ application, this court finds that the categorical statement made by the petitioner in paragraph '16' of the writ application has not been denied by respondent no. 4, therefore, this case would come within the ambit of a case of violation of principles of natural justice. The Certificate Officer is not justified in issuing a warrant of arrest against the petitioner without giving him an opportunity to defend himself in the Certificate



Proceeding.

Since the petitioner has undertaken through his counsel before this court to appear before the Certificate Officer within a period of four weeks from today and file his show cause taking all such pleas which are available to him, this court is of the considered opinion that the warrant of arrest issued against the petitioner is fit to be quashed.

The warrant of arrest is, therefore, quashed and shall not be executed against the petitioner at this stage. The petitioner would appear before the Certificate Officer within four weeks and shall file his objection which would be considered by the Certificate Officer and appropriate order in accordance with law shall be passed thereon.

The Writ Application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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