

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1652 of 2020

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Sanjay Kumar Bharti @ Sanjay Bharti, Son of Ramkeshi Prasad Bharti,
Resident of Village- Shivpur Colony, G.T. Road, Mohania, Police Station-
Mohania, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Bihar, Patna.
2. The Certificate Officer of the District of Kaimur at Mohania, District- Kaimur.
3. The Certificate Officer, Sub- Divisional Office, Mohania, District- Kaimur.
4. The Chairman, State Bank of India, Head Office, Madan Kama Road, Mumbai.
5. The Chief General Manager, S.B.I. Zonal Head Office (Local Head Office, Bihar Circle), Judges Court Road, Patna- 800001.
6. The Branch Manager, State Bank of India, Branch- Mohania, P.S.- Mohania, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak, Adv.
For the State : Mr. Manoj Kumar, AC to GP-4
For the SBI : Mr. Rakesh Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 19-02-2020

The petitioner seeks quashing of the certificate proceedings bearing Certificate Case No. 108 of 2015-16 as well as the orders dated 15.02.2018 and 22.02.2019,



whereby warrant of arrest has been issued against the petitioner.

2. It has been submitted on behalf of the petitioner that no opportunity was given to him for filing his objection petition under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914. In support of the aforesaid contention, the certified copy of the order-sheet of the Certificate Court has been appended with the petition.

3. As opposed to the aforesaid contention, learned counsel for the respondents has submitted that the petitioner has deliberately been avoiding participating in the proceedings for so long which would be evident from the fact that the certified copy of the impugned orders have been obtained much before and the petition has been filed after an inordinate delay. Till date, no objection petition has been filed by the petitioner and only for ensuring the presence of the petitioner, the orders dated 15.02.2018 and 22.02.2019 have been passed.

4. The counsel for the petitioner has submitted that the petitioner would file his objection petition within a



period of two weeks positively before the Certificate Officer.

5. Should such an objection petition be filed within the aforesaid time, the Certificate Officer shall look into the entire facts and shall pass a reasoned order in accordance with law within a further period of thirty days thereafter.

6. Till such time that the objection petition of the petitioner is disposed off, no coercive step shall be taken against him.

7. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.02.2020
Transmission Date	N/A

