

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6927 of 2020

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Shanker Dayal Singh, Son of Late Ram Jatan Singh, Resident of Village
Chhotaka Bahera, P.O. Jhari, P.S.-Amas, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Cooperative Department,
Government of Bihar, Patna.
2. District Magistrate, Gaya.
3. District Cooperative Officer-cum-Certificate Officer, Gaya.
4. Block Cooperative Extension Officer, Amas, Gaya.
5. Magadh Central Cooperative Bank Limited, Gaya through its Managing
Director, Magadh Central Cooperative Bank Limited, Gaya.
6. Branch Manager, Magadh Central Cooperative Bank Limited Branch
Sherghati, District Gaya.
7. Ashok Kumar Singh, Son of Late Ram Charitra Singh, Manager, Jhari
PACS, Resident of Village Bahera Kala, P.S. Amas, District Gaya.
8. Vinod Kumar Singh, Son of Ram Naresh Prasad, Resident of Village
Jahangirpur, P.S.- Sarmera, District Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh, Advocate

For the Respondent/s : Mr. Subhash Kumar, AC to SC 26

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 15-11-2021

Petitioner has prayed for the following relief(s):-

1. That, this is an application for issuance of an appropriate writ or writs setting aside the order dated 04.06.2019/02.07.2019 passed by the District Executive Officer-cum-Certificate Officer, Gaya in Certificate Case No. 05 of 2018 by which petition filed by the petitioner for impleading the private-respondents as a party has been rejected and also order dated 09.07.2019/31.07.2019 passed in the said case by which without deciding objection filed by the petitioner under Section 9 of the Bihar ~~Orissa~~ Public Demand Recovery Act (hereinafter referred to as the PDR Act), warrant of arrest has been issued and/or to grant any other relief/reliefs for which the petitioner is legally entitled in the facts and circumstances of the case.

Learned counsel for the petitioner submits that a certificate proceeding has been initiated against petitioner under the Public Demand Recovery Act, 1914 (hereinafter referred to as the 'Act') for recovery of amount of Rs. 26,22,382.50/- which is alleged to have been misappropriated while petitioner was posted as Chairman of



Jhari PACS in Amas Block.

It is submitted that he has taken objections under section 9 of the Act but without considering his objections and determining the liability of petitioner, warrant of arrest has been issued against him. Section-9 whereof reads as follows:-

“9. Hearing and determining of such petition - The Certificate Officer in whose office the original certificate is filed may after hearing the petition and taking evidence if necessary confirm, set aside, modify or vary the certificate as he deems fit.”

The writ petition is disposed of with a direction to the District Certificate Officer, Gaya, to first consider and decide the objections filed by the petitioner by a reasoned and speaking order and determine the liability of the petitioner under the PDR Act and thereafter only he can take coercive steps for realization of said amount and till order on objections filed by petitioner under section 9 of the PDR Act is not passed and his liability is not determined under the PDR Act, no coercive action be taken against the petitioner till such order, if not already passed, is passed by



the District Certificate Officer, Gaya.

The warrant of arrest issued against the petitioner shall remain under abeyance, till order is passed on the objection filed by the petitioner under Section 9 of the PDR Act.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Sanjay

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2021
Transmission Date	NA

