

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 16015 of 2021

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1. Amrendra Singh Son of Late Rajendra Prasad Singh Resident of Village and P.O. Rajandih, Police Station- Rajpur, District- Rohtas.
 2. Gunjan Kumar Singh Son of Chandrama Singh Resident of Village - Deo, Post and Police Station- Tarari, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Co-Operative Department, Govt. of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Certificate Officer - cum- Deputy Development Commissioner, Rohtas.
4. The District Co- Operative Officer, Rohtas at Sasaram.
5. Sasaram-Bhabua Central Co- Operative Bank Limited through its Managing Director, head Office, Sasaram, District- Rohtas.
6. The Branch Manager, Sasaram- Bhabua Central Co- Operative Bank Limited, Nasriganj Branch, District- Rohtas.

... .. Respondent/s

Appearance:

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate
For the Respondent/s : Mr. Balram Kapri, AC to Standing Counsel-26

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 23-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing the



order dated 24.12.2020/09.08.2021 passed by the Certificate Officer-cum-Deputy Development Commissioner, Rohtas, whereby and whereunder warrant of arrest has been issued against the petitioners on the ground that the petitioners are not appearing before him, hence it appears that they have lost interest in the case.

The brief facts of the case are that a certificate case bearing Certificate Case No. 2 of 2019-20 was initiated against the petitioners in pursuance to a requisition filed by the respondent Sasaram-Bhabua Central Co-Operative Bank Limited. Thereafter, notices were issued to the petitioners and then they had filed their objections under Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1914, as is also apparent from the order dated 25.03.2020/14.12.2020.

It is the contention of the learned counsel for the petitioners that the petitioners had appointed their advocate to represent them before the Certificate Officer-cum-Deputy Development Commissioner, Rohtas, however, on account of the prevailing COVID-19 pandemic situation, the learned counsel for the petitioners could not appear before the Certificate Officer leading to passing of the impugned order dated 24.12.2020/09.08.2021. Nonetheless, the fact remains that



the objections filed by the petitioners have not been taken into consideration and no final order under Section 10 of the Bihar & Orissa Public Demand Recovery Act, 1914 has been passed, but still the Certificate Officer has issued warrant of arrest merely on the ground that the petitioners are not appearing before him, hence they have lost interest.

Per contra, the learned counsel for the respondent-State Shri Balram Kapri, AC to Standing Counsel-26 submits that in case the petitioners appear before the Certificate Officer, their objections shall be considered and final order under Section 10 of the Bihar & Orissa Public Demand Recovery Act, 1914 shall definitely be passed.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with a direction to the petitioners to appear before the Certificate Officer-cum-Deputy Development Commissioner, Rohtas, in person or through their advocate on 04th of October, 2021 at 10:30 A.M., whereupon the Certificate Office, Rohtas shall grant appropriate opportunity of hearing and then pass appropriate orders, in accordance with law, under Section 10 of the Bihar & Orissa Public Demand Recovery Act, 1914.



It is needless to state that in case the petitioners/their counsel fail to appear before the Certificate Officer, Rohtas on 04th of October, 2021, appropriate orders shall be passed, in accordance with law. It is further directed that till the passing of the final order by the Certificate Officer, Rohtas under Section 10 of the Bihar & Orissa Public Demand Recovery Act, 1914, no coercive action shall be taken against the petitioners.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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