

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12525 of 2017

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Anil Kumar Singh S/o Late Bansidhar Singh, R/o Village P.O.-Mujrarh, P.S.-
Nokha, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Rohtas.
3. The District Certificate Officer, Rohtas, Sasaram.
4. The Sasaram Bhabhua Central Co-operative Bank, Sasaram, Rohtas through
its Managing Director.
5. The Managing Director, Sasaram Bhabhua Central Co-operative Bank,
Sasaram, Rohtas cum Certificate O
6. The Branch Manager, Sasaram Bhabhua Central Co-operative, Nokha
Branch, Nokha, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pandey, Adv.
For the Respondent/s : Mr. Raj Ballabh Pd. Yadav – AAG 11

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 02-02-2022 The present writ petition has been filed for
quashing the certificate proceedings bearing
Certificate Case No. 15 of 2016-17, pending before the
District Certificate Officer, Rohtas.

The learned counsel for the petitioner has
submitted that though, the petitioner has filed an
objection under Section 9 of the Bihar and Orissa
Public Demand Recovery Act, 1914 (hereinafter
referred to as “the Act, 1914”), but without disposing



of the same and passing a final order under Section 10 of the Act, 1914, the District Certificate Officer, Rohtas has issued distress warrant against the petitioner. The petitioner has submitted that the petitioner is ready to appear before the District Certificate Officer, Rohtas, however, he may be directed to hear the parties and pass a final order under Section 10 of the Act, 1914.

Per contra, the learned counsel for the Respondent State has not been able to furnish any reason as to under what circumstance the final order has not been passed by the Certificate Officer till date, however, reference has been made to paragraph no. 10 of the counter affidavit filed on behalf of the respondents no. 2 and 3 to submit that though, the petitioner has filed objection under section 9 of the Act, 1914, however, the same has been filed belatedly.

Having regard to the facts and circumstances of the case, we deem it fit and proper to direct the District Certificate Officer, Rohtas to pass final order under section 10 of the Act, 1914 in the pending certificate case bearing Certificate Case No. 15 of 2016-17, after granting appropriate opportunity of hearing to the parties. It is further directed that till the passing of the final order by the District Certificate



Officer, Rohtas, under Section 10 of the Act, 1914, no coercive action shall be taken against the petitioner.

The writ petition stands disposed of on the aforesaid terms.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

Tiwary/-

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