

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12845 of 2021

=====

Shambhu Singh S/o Late Ramjeet Singh R/o Village- Neuri, P.S.- Madhopur,
District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Gopalganj.
2. The Branch Manager, Uttar Bihar Kshetriya Gramin Bank, Madhopur Branch, Gopalganj.
3. The Uttar Bihar Kshetriya Gramin Bank, Head Office, Kalambagh Road, Muzaffarpur.
4. The District Certificate Officer, Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Vishwajeet Kumar Mishra, Advocate
For the Respondent/s	:	Mr.Raghwendra Kumar, SC-22
For the Bank	:	Mr. Prabhakar Jha, Advocate

=====

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

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 07-01-2022 Petitioner has prayed for the following relief(s);

“1. That this application is being filed for issuance of an appropriate writ order / direction quashing the Certificate Case No. 107 of 2017-18 pending before the Certificate Officer, Gopalganj.

1/A. That the petitioner further prays for issuance of an appropriate writ order direction for a declaration that the petitioner in personal capacity is not liable to pay the loan amount given to a Chanda Swayam Sahayata Samuh in which the petitioner was a member along with 15 others.

1/B. That the petitioner further prays for issuance of any other appropriate writ / order / direction to which he is found entitled



to.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petition is disposed of with liberty to take recourse to such other alternate remedies which are equally efficacious in law, including the provisions of the Public Demand Recovery Act, 1914.

Prayer allowed.

Without expressing any opinion on merits of the claim and leaving all issues on facts and law are left open, petition is disposed of in the following terms:

(a) The petitioner shall make himself available before the concerned authority on 06.02.2022;

(b) On the said date, the next date of hearing in the matter shall be fixed;

(c) Petitioner shall fully cooperate and not take any unnecessary adjournment;

(d) The officer shall adjudicate the issue and pass a speaking order assigning reasons, within a period of six months thereafter;

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.



If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

U			
---	--	--	--

