

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11308 of 2019**

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Dinesh Kumar, S/o Late Raghunath Prasad Sah Resident of Mohalla- Sharda Sadan Library Road, Behind Central Public Road, ward No. 6, P.O. and P.s.- Lalganj, Distt.- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Govt. of Bihar, Patna
2. The District Magistrate Vaishali at Hajipur
3. The Canara Bank through the Branch Manager, Canara Bank, Lalganj Branch, P.O. and P.s.- Lalganj, Distt.- Vaishali
4. The Certificate Officer Vaishali, Distt.- Vaishali at Hajipur
5. Mukesh Kumar S/o Hare Krishna Prasad Resident of Mohalla- Sharda Sadan Library Road, Behind Central Public School, Ward No. 6, Lalganj, P.O. and P.s.- Lalganj, Distt.- Vaishali

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate  
For the Respondent/s : Mr.Ajay Kr. Rastogi , Sr. Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(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.)**

**Date : 25-11-2022**

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

“For issuance of an appropriate writ, order or direction commanding the respondents authorities for quashing the order dated 16.11.2018 passed by the learned Certificate Officer, Hajipur, Vaishali in Certificate Case NO. 03/2015-16 filed by Respondent Bank against the petitioner and others



whereby the learned court has ordered to pay the dues of the Bank to all the four sons of late Raghunath Prasad equally though late Raghunath Prasad had taken the loan in his name as Proprietor of Annapurna Krishi Kendra and latter on he had transferred the proprietorship of Annapurna Krishi Kendra to his only son Mukesh Kumar by an agreement who is the only beneficiary of the same and liable to pay the dues of the Bank.”

Learned counsel for the respondents states that the petitioner has an equally efficacious remedy by way of an appeal under the Bihar & Orissa Public Demands Recovery Act, 1914.

In view of the same, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to prefer an appeal before the appropriate authority.

Prayer allowed.

He may do so within a period of four weeks.

Learned counsel for the State states that if any such appeal is preferred by the petitioner within the aforesaid period, limitation shall not come in the way and the appeal shall be heard on merits, to be decided within a period of three months from the date of its filing.

Statement accepted and taken on record.



We only hope and expect the appropriate authority to consider and decide the appeal on its own merit and with reasonable dispatch.

We clarify that we have not expressed any opinion on facts and law. All issues are left open.

Learned counsel for the parties undertake not to take any unnecessary adjournment in such proceedings.

The present petition stands disposed of with the liberty aforesaid.

**(Sanjay Karol, CJ)**

**( Partha Sarthy, J)**

Sujit/Ashwini

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