

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15665 of 2021

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Babulal Singh, Son of Asharfi Singh, Resident of Village-Sian, P.S. -
Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, State Food and Civil Supplies Department, Patna.
2. The Collector, Bhagalpur.
3. The District Co- Operative Officer, Bhagalpur.
4. The District Supply Officer, Bhagalpur.
5. The Sub-Divisional Officer, Kahalgaon, Bhagalpur.
6. The District Agriculture Officer, Bhagalpur.
7. The Block Development Officer, Kahalgaon, Bhagalpur.
8. The Block Co-Operative Extension Officer, Bhagalpur.
9. The Block Agriculture Officer, Kahalgaon, Bhagalpur.
10. The Registrar, Co- Operative Society, Patna.
11. The Joint Registrar, Co- Operative Society, Bhagalpur.
12. The Senior Account Officer, Co- Operative Society, Bhagalpur.
13. The Branch Manager, Central Co-Operative Bank Ltd., Bhagalpur 812001.
14. The Branch Manager, Central Co-Operative Bank Ltd., Branch- Kahalgaon, Bhagalpur 813203.
15. The Manager, Bihar State Food and Supplies Corporation Ltd., Bhagalpur.
16. The Secretary, Department of Food and Consumer, Govt. of India.
17. Abhay Kumar Singh, Son of Upendra Prasad Singh, Resident of Village - Sian, Kahalgaon, Dist.- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Manohar Prasad Singh, Advocate
For the State	:	Mr.S. Raza Ahmad, AAG-5
		Mr. Vishwambhar Prasad, A.C. to AAG-5

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 21-04-2022 A peculiar relief is being sought in the present writ



application filed under Article 226 of the Constitution of India.

The petitioner is seeking a direction to the Central Co-operative Bank Limited not to proceed with the debt recovery proceeding initiated with the issuance of notice dated 25.03.2021 till passing of final order by the Supreme Court in S.L.P. (C) Diary No.17509 of 2019 arising out of a Division Bench decision of this Court in L.P.A. No.881 of 2016 and other analogous cases (The Bihar State Food and Civil Supplies Corporation Ltd.Vs. Nayan Kumar Sinha and Others).

Learned counsel for the petitioner has submitted that the impugned notice has been issued in breach of the Division Bench decision in L.P.A. No.881 of 2016. Admittedly, the Bank was not a party in the said proceeding before the Division Bench in L.P.A. No.881 of 2016.

Be that as it may, the petitioner instead of approaching this Court by filing present writ application, could have submitted his objection under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914, giving all such details which have been given in the present writ application. This Court refuses to issue nature of direction as sought in the writ petition, as noted above.

This application is, accordingly, dismissed with the



observations, as noted above.

It goes without saying that if any objection has been submitted under Section 9 of the said Act by the petitioner in the recovery proceeding, the competent authority shall be required to consider the same, in accordance with law.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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