

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2804 of 2023

Subash Chandra Mishra S/o Bansh Narayan Mishra, R/o Village- Bajraha Tola, P.S.- Kudra, District- Kaimur (Bhabua) at present B 23/62-A-5-K, Patel Nagar Khojava Varanasi Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Secretary Home Department, Government of Bihar, Patna.
3. The Branch Manager, South Bihar Gramin Bank Lalapur Market Kaimur.
4. The Assistant Sub Divisional Magistrate cum Certificate Officer Mohaniya, District Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Tripathy, Adv.
For the State	:	Ms. Babita Kumari, AC to SC 1

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 29-03-2023 1. Learned counsel for the petitioner submits that a warrant of arrest has been issued in the recovery proceedings against the petitioner, who never received the notice under Section 7 of the **Bihar and Orissa Public Demands Recovery Act, 1914**. Learned counsel submits that the petitioner has already deposited a sum of Rs. 1,03,000/- in 2007 and, therefore, there was no occasion of initiating recovery proceedings against him.

2. The petitioner has to submit his objections before the concerned authority in terms of Section 9 of the Act, which



he has not done till date.

3. Granting him liberty to submit his objections, it is observed that if such objections are raised, the same shall be decided on merits by passing a speaking order, considering that the petitioner has been avoiding to appear before the concerned authorities for several years, it is directed that the objections must be positively filed within a period of seven days from today. If such objections are filed, the same shall be decided within a period of two months thereafter. In the meanwhile, the arrest warrant shall remain stayed. However, it is made clear that if objections are not filed within a period of seven days from today, the aforesaid order shall cease to operate.

4. The writ petition is disposed of with aforesaid terms.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 11

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