

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6541 of 2023

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1. Prithvi Narayan Singh Son of Kulbansh Singh R/o Vill- Morikap, P.S. Shivsagar, Dist- Rohtas.
 2. Niranjana Kumar Son of Lalan Singh Resident of Village- Khajawan, P.S.- Shivsagar, District- Rohtas (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through the District Magistrate, Rohtas at Sasaram.
2. The District Magistrate, Rohtas at Sasaram.
3. The Certificate Officer -cum- District Co-Operative Officer, Rohtas at Sasaram.
4. The Managing Director, Sasaram- Bhabhua Central Co-Operative Bank Limited, Sasaram, District- Rohtas.
5. The Branch Manager, Sasaram-Bhabhua Central Co-Operative Bank Limited, Sasaram Branch, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jai Prakash Singh, Adv
For the Respondent/s	:	Mr.Amit Prakash (GA 13)
		Mr. Ravi Bhardwaj, Adv.
For the Bank		Mr. Bindhayachal Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

9 18-10-2023 Heard the parties.

2. Learned counsel appearing on behalf of the petitioners states that without giving an opportunity of hearing, the Certificate Officer-Cum-District Cooperative Officer (Respondent No. 3) has issued warrant of arrest against the petitioners on 29.10.2021. Learned counsel states that though the petitioners have received the Show Cause Notice under Section 7 of the Bihar and Orissa Public Demands Recovery Act, they could not file the reply under Section 9 of the Bihar



and Orrisa Public Demands Recovery Act. The learned counsel seeks indulgence of this Court to grant an opportunity of filing his objections and to direct the Certificate Officer-Cum-District Cooperative Officer (Respondent No. 3) to pass an orders on merit under Section 10 of the Bihar and Orrisa Public Demands Recovery Act. Learned counsel therefore prays this Hon'ble Court to allow the present writ petition and set aside the impugned order.

3. Per contra, the learned counsel appearing on behalf the respondents has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that petitioners were well aware of the proceeding before the Certificate Officer-Cum-District Cooperative Officer (Respondent No. 3) and had participated in the said proceedings. Learned counsel has also stated that the petitioners have appeared before the Certificate Officer-Cum-District Cooperative Officer (Respondent No. 3) and accepted the demand made under the certificate proceedings and sought time for paying the same. Therefore, the learned counsel prays this Hon'ble Court to dismiss the present writ petition.

4. Admittedly, as seen from the impugned order passed on 29.10.2021 and as seen from the docket orders in



Certificate Case No. 09 of 2020-21, the case was being adjourned from time to time due to COVID-19 Pandemic. Thereafter the authority has issued the warrant of arrest without passing any order under Section 10 of the Bihar and Orrisa Public Demands Recovery Act.

5. This Court is of the prima facie opinion that the ends of Justice would be met, if the petitioners is given an opportunity of filing them objection to the notice issued under Section 7 of the Bihar and Orrisa Public Demands Recovery Act and reasoned order is passed by the Certificate Officer-Cum-District Cooperative Officer (Respondent No. 3) duly taking into consideration the objection submitted by the petitioners. Therefore, the impugned order dated 29.10.2023 is set aside and the matter is remanded back to the Certificate Officer-Cum-District Cooperative Officer (Respondent No. 3) for passing orders under Section 10 of the Act. The petitioners shall file their objections to the notice under Section 7 of the Bihar and Orrisa Public Demands Recovery Act within a period of two weeks from the date of receipt of this order. On such objections being filed, the same shall be considered on merits and a reasoned orders be passed in accordance with law.

6. It is needless to mention that before passing any



order the petitioners shall be given an opportunity of hearing.
The entire exercise shall be completed as expeditiously as possibly preferably within a period of eight weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the parties.

7. Accordingly, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

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