

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4223 of 2024

Niranjan Kumar, Male, aged about 49 years, Son of Shri Kesho Thakur
Resident of Village-Bhushari, P.O.-Chhatauna, P.S. and District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Cooperative, Government of Bihar, Patna.
2. District Cooperative Officer cum Certificate Officer, Samastipur.
3. The Samastipur District Central Cooperative Bank Limited, Samastipur, through its Managing Director.
4. The Branch Manager, Samastipur District Central Cooperative Bank Limited, Samastipur Branch, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Senior Advocate with Mr. Ajit Kumar Sinha, Advocate. Ms. Dilkash Khan, Advocate.
For the Respondent/s	:	Mr. Sauresh Kr. Singh, AAG-13.
For the Bank	:	Mr. Bindhyachal Rai, Advocate.

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

4 07-10-2024 It is the case of the petitioner that pursuant to the notice issued under Section 7 of the Bihar and Orissa Public Demands Recovery Act (hereinafter referred to as the ‘Act’), the petitioner has filed his objections under Section 9 of the Act. However, the Certificate Officer instead of deciding the case on merits under Section 10 has passed the impugned order directing the petitioner to deposit 25% of the demanded amount as a precondition for passing the final



orders. The order of the Respondent No. 2 directing the petitioner to deposit 25% of the demanded amount for hearing and passing order under Section 10 of the Act cannot be countenanced. That unless and until the statute prescribes the payment of any amount for hearing the matters, the authority on their own cannot impose any condition as a precondition for passing the final order.

2. Having regard to the above made submissions, this Court is of the opinion that the ends of justice could be best served if the impugned order is set aside and matter remanded back to the authority for passing orders in the main case itself accordingly, the impugned order is set aside. The authority is directed to pass necessary final orders under Section 10 of the Act duly taking into consideration, the objections filed by the petitioner. The authority shall first decide the question of jurisdiction of authority to initiate the proceedings under the Bihar and Orissa Public Demands Recovery Act. The authority shall, thereafter, pass necessary orders on merits if he comes to the conclusion that the proceedings initiated under the Act are valid and in consonance with the Act. Till such time the



final orders are passed, no coercive action shall be taken against the petitioner.

3. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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