

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5468 of 2024

1. Manish Kumar Gupta @ Manish Kumar son of Late Ram Chandra Prasad, resident of Mohalla Rahamganj near Jiwach Sah Mandir, Police Station-Laheriyasarai, District Darbhanga.
2. Sharad Kumar @ Sanjay Kumar son of Late Ram Chandra Prasad, resident of Mohalla Rahamganj near Jiwach Sah Mandir, Police Station-Laheriyasarai, District Darbhanga.
3. Rajeev Kumar, son of Late Ram Chandra Prasad, resident of Mohalla Rahamganj near Jiwach Sah Mandir, Police Station-Laheriyasarai, District Darbhanga.
4. Bharat Pd. Gupta, son of Late Ram Lakhan Prasad, resident of Mohalla Rahamganj near Jiwach Sah Mandir, Police Station-Laheriyasarai, District Darbhanga.
5. Shatrughan Prasad, son of Late Ram Lakhan Prasad, resident of Mohalla Rahamganj near Jiwach Sah Mandir, Police Station-Laheriyasarai, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Darbhanga.
2. Sri S.K. Sinha, Specified Authority, Bihar State Financial Corporation, Frazer Road, Patna-800001.
3. The District Magistrate, Certificate Officer, Darbhanga.
4. The Deputy Collector In-Charge Legal Cell, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Respondent/s : Mr. Standing Counsel 08

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

5 03-09-2024 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

“1. That this writ application on



behalf of the petitioners is being filed for issuance of an appropriate writ in the nature of writ of certiorari for quashing the order as contained in letter No. 807 dated 23.08.2007 issued by the Authorized Officer, Bihar State Finance Corporation, Frazer Road, Patna under section 5 of Bihar & Orissa Public Demand Recovery Act, 1914 whereby the Specified officer in exercise of his power conferred under section 32-G of Bihar State Financial Corporation Act, issued a Certificate for recovery of a Sum of Rs. 4,55,28,815.92 with pendent-elite and future interest with effect from 01.03.2006 from these petitioners and for issuance of recovery Certificate for aforesaid amount in terms of Mortgaged Deed Agreement and also for quashing the warrant of arrest of these petitioners issued under signature of Certificate officer, the District magistrate Darbhanga dated 12.12.2023.”

3. Admittedly in the present case, the petitioners have filed their objection under Section 9 of Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as, ‘the Act’) and stated that till date the final orders are not being passed under Section 10 of the Act, the authority concerned without passing the final orders have issued the warrant of arrest against the petitioners. Learned counsel has, therefore, prayed this Hon’ble Court to direct the Certificate Officer to pass



necessary orders under Section 10 of the Act and thereafter take action.

4. Per contra, the learned counsel for the respondents has stated that the petitioners have failed to appear before the authority inspite of putting them on notice, and therefore, left with no other option, the authority had issued the warrant of arrest. Learned counsel has stated that a direction may be given to the Certificate Officer to pass orders under Section 10 of the Act duly taking into consideration the objections filed by the petitioners.

5. Having regard to the above made submissions, the present writ petition is disposed of directing the Respondent No. 3 to pass final orders in the certificate case No. 80/2007-08 as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of the copy of this order. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. The authority concerned shall duly take into consideration the objections filed by the petitioners and pass a reasoned order. Till such time the final orders are passed, the authorities are directed not to take any coercive steps. Any order passed shall be communicated to the petitioners.



6. With the above said directions, the present writ
petition stands disposed of.

(A. Abhishek Reddy , J)

Gauravkr/-

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