

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18114 of 2023

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Karam Lal Yadav S/o Chanikya Yadav @ Prameshwari Yadav, resident of
Village-Manikpur, P.S. Madhepura, District Madhepura, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Finance Department.
2. The Uttar Bihar Gramin Bank through its Regional Manager, Subhash Chowk, Satish Chandra Bhoj Path, Madhepura.
3. The Uttar Bihar Gramin Bank through its Branch Manager, branch at Madhepura, P.S. and District-Madhepura, Bihar.
4. The Certificate Officer, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Adarsh Ranjan, Adv. Mr. Pritish Rajan, Adv.
For the State	:	Mr. Ragwanant, GA-II Mr. Sanjay Kr. Tiwari, AC to Ga-11
For the Bank	:	Mr. Prabhakar Jha, Adv. Mr. Amitesh Jha, Adv.

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

2 16-01-2024 Heard learned counsel for the parties.

2. The present writ petition has been filed for the
following relief(s):-

*“That the petitioner beseeches
indulgence of this Hon’ble Court by preferring
this writ petition with a prayer for issuance of
appropriate writ/writs in the nature of certiorari
for quashing of the warrant of arrest order
dated 03.06.2022, passed by the Certificate
Officer, Madhepura in connection with the
Certificate Case No. 41/2021 – 2022 whereby
the certificate officer, Madhepura issued the
warrant of arrest order dated dated 03.06.2023*



in most illegal and arbitrary manner and confirming whether the notice has been dully served upon the petitioner or not and further the petitioner or not and further the petitioner preferring the present writ petition with a prayer for issuance of appropriate writ or writs in the nature of mandamus commanding the concerned respondent No. 4 to accept the Application of petitioner under section 9 of the Bihar and Orissa Public demand recovery Act, 1914.”

3. Learned counsel for the petitioner has stated that the petitioner could not file his objections under Section 9 as he was not in station. That the authority concerned without passing any orders under Section 10 of the Act have issued the warrant of arrest. Learned counsel has stated that he may be permitted to file his objection before the authority concerned and the authority may be directed to pass necessary orders under Section 10.

4. Without going into the merits or demerits of the case, having regard to the fact that the authority has till date not passed any orders under Section 10. The petitioner is granted an opportunity to file an objection under Section 9 within a period of two weeks from today.

5. On such objection being filed, the authority



concerned shall pass a reasoned order under Section 10 within a period of four weeks thereof.

6. It is needless to mention before passing any orders, the petitioner shall be given an opportunity of hearing. Any orders passed shall be communicated to the parties. Till such time the final orders are passed, the petitioner shall not be arrested.

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

(A. Abhishek Reddy , J)

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