

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18074 of 2023

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Shashi Sekhar Kumar, aged about 42 years, Male, S/o Ganesh Prasad Yadav,
R/o. Village - Gamahariya, P.O. - Turkahi, P.S. and District - Madhepura,
Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Finance Department.
2. Uttar Bihar Gramin Bank, through its Regional Manager, Subhash Chowk,
Satish Chandra Bhoj Path, Madhepura.
3. 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/s	:	Mr. Adarsh Ranjan, Adv. Mr. Pritish Ranjan, Adv. Mr. Shradha Nathari, Adv.
For the Respondent/s	:	Mr. K.N.Jha, AC to GP-11.
For the Bank	:	Mr. Prabhat Jha, Adv.

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

2 15-01-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the
following reliefs:-

*“.....for issuance of
appropriate writ/writs in the nature of
certiorari for quashing of the warrant of
arrest order dated 11.04.2023, passed by
the Certificate Officer, Madhepura in
connection with the Certificate Case No.
70/2021-2022 whereby the certificate
officer, Madhepura issued the warrant of
arrest order dated 11.04.2023 in most
illegal and arbitrary manner and*



confirming whether the notice has been duly served upon 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. 3 to accept the Application of petitioner under Section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914.”

3. Learned counsel appearing on behalf of the petitioner has stated that the petitioner could not file his objections under Section 9 of the Act before the Certificate Officer due to some ill health and miscommunication. Learned counsel has stated that, in case, an opportunity is granted to the petitioner to file his objections, he will file his objections and the authority concerned may be directed to pass orders on merits under Section 10 of the Act.

4. Learned counsel for the respondents has stated that the petitioner was granted ample opportunity to file his objections but has not bothered to file the same. However, learned counsel has fairly stated that an opportunity may be granted to the petitioner to file his objections and in case, the objections are filed, the authority may be directed to pass necessary orders on merits strictly in accordance with law.

5. Having regard to the above, the present writ petition is disposed off granting liberty to the petitioner to file



his objections under Section 9 of the Act within a period of two weeks from today. On receipt of the said objections, the authority concerned shall pass necessary orders on merits strictly in accordance with law within a period of four weeks thereof.

6. It is needless to mention that before passing any order the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the party. Till such time the final order are passed under Section 10 of the Act, the petitioner shall not be arrested.

7. With the above observation, the present Writ Petition stands disposed off to the extent indicated.

(A. Abhishek Reddy , J)

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