

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2708 of 2025

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Ravindra Kumar Jha Son of Subodh Narayan Jha @ Balram Jha Resident of
Village- Sighiyon, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Finance, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue, Govt. of Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The District Certificate Officer, Madhubani.
5. Branch Manager, Uttar Bihar Gramin Bank, Branch Koilakh, P.O.- Koilakh, P.S.- Rajnagar, District- Madhubani.
6. Krishna Agro Tractor Agency, Court Road, Langra Chauk, Jhanjharpur, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Jha, Adv.
For Bank	:	Mr. Prabhakar Jha, Adv.
For the Respondent/s	:	Mr. Standing Counsel (20)
	:	Mr. Md. Zeeshan Kalim, AC to SC20

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

2 02-04-2025 Heard the learned counsel for the parties.

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

“I. To issue a writ in the nature of certiorari to quash the entire certificate proceeding vide Case No.04/2017-18 pending in the Court of Certificate Officer, Madhubani which was registered on 03.11.2017 for recovery of total sum Rs.5,18,965.00. And in which vide order dated 08.09.2023 order was passed for issuing Notice u/s 7 of Bihar and Orissa Public Demand Recovery Act 2014 (hereinafter in short referred as 'The Act')



and even without having the report of legal and valid delivery of the notice vide order dated 15.01.2024 warrant of arrest was issued.

As also to quash the order dated 15.01.2024 by which the order for issuance of warrant of arrest has been issued and in furtherance thereof under form no.69-H. u/s 38 of the act Memo of Warrant of arrest was issued on 15.01.2024; thus memo of warrant of arrest also be quashed.

II. To stay the said warrant of arrest during pendency of this application.

III. To hold and declare that never ever any Mandatory Notice u/s 7 of the Act legally and validly was delivered to the petitioner hence the entire further proceeding is void ab- initio.

IV. To hold and declare that there is complete laches and negligence on the part of the Branch of the Uttar Bihar Gramin Bank Koilakh, Madhubani (In short the Bank) and the agency of Tractor who had not supplied complete papers of Registration etc. and the necessary accessories to run the Tractor which caused the purpose of loan amount frustrated because the sole Engine part of the Tractor remained defunct; And it did not cater to fetch any income to the petitioner due to said reason.

V. To hold and declare that Respondent Bank has deliberately harassed this petitioner with connivance of Pvt. Respondent no.6 (The Tractor Agency). Thus the requisition sent by the Bank for recovery of taken loan and initiate recovery proceeding is bad in law and on fact.

VI. To grant any other reliefs for which petitioner is entitled to have.”

3. Learned counsel appearing on behalf of the petitioner has stated that the authority without issuing the notice under Section 7 of Bihar and Orrisa Public Demand Recovery



Act has proceeded with the case and issued the warrant of arrest.

4. Learned counsel appearing on behalf of the respondents has stated that the petitioner may be directed to approach the Certificate Officer and the Certificate Officer may also be directed to hand over the copy of the notice issued under Section 7 of the Act and the petitioner may be further directed to file his objections under Section 9 of the Act and the final orders passed by the authority concerned.

5. Having regard to the above made submissions, the present writ petition is disposed of at the stage of admission with the consent of both the parties.

6. Without going into the merits or demerits of the case, the petitioner is directed to approach the Certificate Officer i.e. the respondent No. 4 herein within a period of two weeks from today and make a request for issuance of the notice under Section 7 of the Act. On such request being made, the Certificate Officer shall provide the petitioner with the notice under Section 7 of the Act along with all the necessary documents. On receipt of the notice under Section 7 of the Act, the petitioner shall file his objections within a period of two weeks thereof under Section 9 of the Act.

7. The authorities concerned shall thereafter, pass



necessary orders under Section 10 of the Act as expeditiously as possible preferably within a period of eight weeks from the date of the objections by the petitioner.

8. It is needless to mention that before passing any orders, the petitioner shall be given an opportunity of hearing. Any orders passed shall be communicated to the petitioner. In case the petitioner does not approach the Certificate Officer within the time frame granted by this Court, the Certificate Officer is free to take necessary action in accordance with law. Till such time the final orders are passed, no coercive steps shall be taken against the petitioner.

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

(A. Abhishek Reddy, J)

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