

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8671 of 2016

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Shankar Jee Giri Son of Late Ram Ekbal Giri, President of Ghurghat PAACS,
resident of At and P.O- Ghurghat, P.S.- Siswan, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through Collector, Siwan
2. The Siwan Central Co-operative Bank Ltd., At and P.O. and P.S. and District- Siwan through its Branch Manager
3. The Managing Director-cum-Certificate Officer, Siwan Central Co-operative Bank Ltd., At and P.O and P.S. and District- Siwan
4. The Branch Manager, Siwan Central Co-operative Bank, Ltd., At and P.O. and P.S. and District- Siwan
5. The Loan Officer, Siwan Central Co-operative Bank Ltd. At and P.O. and P.S. and District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Mahesh Nr. Parbat, Sr. Advocate Ved Prakash Srivastva, Advocate
For the State	:	Mr. Jitendra Kumar AC to AAG 11
For the Bank	:	Mr. Ranjeet Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 07.04.2025

1. The petitioner has filed the Writ petition
for the following reliefs:

*“(i). To issue a writ of
certiorari for quashing the requisition
(Annexure -6) and entire proceeding
arising there from of certificate case
bearing no. 149 of 2015-16 pending
before the Managing Director-cum-
Certificate Officer, Siwan Central Co-
operative Bank Ltd., At & P. O. & P. S. &
District - Siwan, holding the same being*



without jurisdiction interalia in absence of any agreement in writing as required under clause 15 schedule 1 of Bihar & Orissa Public Demand Recovery Act, 1914 (hereinafter called the "PDR Act) and also on the ground of being suffering from official biasness.

(ii) To issue a writ of certiorari for quashing the notice dated 25.8.2015 (Annexure 7) issued by the office of the respondent Managing Director-cum- Certificate Officer under section 7 of the PDR Act in illegal and arbitrary manner.

(iii) To issue a further writ of certiorari for quashing the warrant of attachment of properties dated 15.12.2015 (Annexure 8), issued by the office of the respondent Managing Director-cum-Certificate Officer in certificate case no. 149 of 2015-16 through which direction has been issued for attachment of movable properties of petitioner in arbitrary manner.

(iv) To issue a further writ of certiorari for quashing the warrant of arrest of petitioner as contained in letter no. 407 dated 4.2.2016 (Annexure-11), issued by the office of



the respondent Managing Director-cum-Certificate Officer in certificate case no. 149 of 2015-16 through which direction has been issued for arrest of petitioner in illegal and arbitrary manner.

(v) To any other relief (s) for which the petitioner may be found entitle to.”.

2. At the very outset, Learned counsel for the parties contended that since this matter is squarely covered under the order dated 03.02.2025 passed by the Hon'ble Supreme Court of India in **Special Leave Petition (Civil) Diary No(s). 17509 of 2019 (The State of Bihar & Ors. Versus Nayan Kumar Sinha & Ors) and other analogous cases,** this Writ petition may also be disposed of on the same terms and conditions.

3. Heard the Learned Senior counsel for the petitioner as well as the respondents.

4. The Hon'ble Supreme Court in **Special Leave Petition (Civil) Diary No(s). 17509 of 2019 (supra)** has observed in



paragraph Nos. 8 and 9 as follows:

“8. In view of the above report of the Committee, the submission of learned counsel for the State of Bihar as well as the Union of India is that these petitions are virtually infructuous and that nothing remains to be decided.

9. Since the Committee was constituted pursuant to the direction of this Court in line with the directions contained in the impugned judgment and order of the High Court and a report has been received in that regard, we are of the opinion that nothing survives for adjudication herein and as such the petitions stand disposed of with liberty to the respondents that in case any coercive action is taken against them in pursuance of the supply of paddy for the year 2014-2015, it will be open for them to take recourse to whatever legal remedies are available to them in law including that of disputing the correctness of the report itself, if necessary. This will be without prejudice to the rights of the respondents. ”



5. Having regard to the submissions made by the Learned counsel for the parties, the present Writ petition stands disposed of in terms of the aforesaid order passed in **Special Leave Petition (Civil) Diary No(s). 17509 of 2019 (supra).**

6. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.04.2025
Transmission Date	

