

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11543 of 2025

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Mintu Kumar S/o Munni Lal Saw, R/o Vill- Shahpur, P.O- Mahoharpur
Kachhuara, Shahpur, Patna, Bihar- 800016.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate cum Collector, Patna, Patna, Bihar.
2. Sub-Divisional Magistrate cum District Certificate Officer, Patna Sadar, Patna, Bihar.
3. Branch Manager, Ramkrishna Nagar Branch, State Bank of India, Ramkrishna Nagar, New Jaganpura, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv.
For the Respondent/s	:	Mr. Government Pleader (25)
For the State	:	Mr. Ramadhar Singh, Adv.

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

2 28-07-2025 Without going into the merits or demerits of the case, the present writ petition is disposed of at the stage of Admission with the consent of both the counsels.

2. Learned counsel for the petitioner has stated that the authority i.e. the Respondent No. 2 without serving the copy of the notice under Section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914 are threatening the petitioner that unless and until the outstanding due amounts are paid, the petitioner will be arrested. Learned counsel has stated that the notice dated 19.04.2025 under Section 7 which is annexed to the present writ petition (Annexure- P/1) has been given by the



bank authorities but not by the Respondent No. 2. Learned counsel has, therefore, prayed for staying the present proceedings against him.

3. *Per Contra*, the learned counsel appearing on behalf of the respondents State submits that a direction may be given to the Respondent No. 2 to serve the copy of the notice under Section 7 along with the requisite documents and the petitioner may be directed to file his objections under Section 9 of the Act and thereafter necessary final orders will be passed strictly in accordance with law.

4. Having regard to the above made submissions, the present writ petition is disposed of directing the Respondent No. 2 to serve the copy of the notice under Section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914 along with the necessary documents granting ample time to the petitioner to file his objections under Section 9 of the Act. The authorities shall thereafter pass a reasoned final order under Section 10 of the Act duly giving an opportunity of hearing to the petitioner and duly taking into consideration the objections filed by the petitioner. The entire exercise shall be completed 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 submit that before passing any order, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the petitioner. Till such time the final orders are passed, the authorities are directed not to take any coercive steps. In case the petitioner does not cooperate for the disposal of the certificate case, the authorities are free to take necessary action strictly in accordance with law.

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

(A. Abhishek Reddy , J)

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