
(2023) 11 JH CK 0058

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3157 Of 2023

Manmati Devi And Others

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 30-11-2023

Acts Referred:

Bihar And Orissa Public Demands Recovery Act, 1914 — Section 9

Citation : (2023) 11 JH CK 0058

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Kalyan Roy, Aman Kumar

Final Decision : Disposed Of

Judgement

Gautam Kumar Choudhary, J

Instant petition has been filed against the impleadment of the petitioners as judgment debtors in Certificate Case No.197/2019-2020 without deciding the objections filed by the petitioners under Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1974. The husband of the petitioner was partner of M/s Kamla Industries who had taken loan from respondent no.3 sometimes in the year 1988. A loan of Rs.25,18,889/- and the part of the loan amount has already been paid. The husband of the petitioner no.1, who was the partner when the loan had been taken, died in the year 2018.

The certificate proceeding was initiated by respondent no.3 being Certificate Case No.197/2019-2020 before the District Collector, Kolkata on 26.03.2018. The certificate case was transferred to Deputy Commissioner, Palamau from where notice has been issued.

Before entering into the grounds on which the notice has been impugned, it appears that the objection petition which was filed by petitioners under Section 9 of Bihar & Orissa Public Demand Recovery Act, 1974 before the Court of District Certificate Officer, Palamau, has not been heard and disposed of.

Under the circumstance, without entering into the merit of instant writ petition, respondent no.2 is directed to dispose of the objection under Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1974 within eight weeks of the order.

No coercive step will be taken by respondent no.2 before the disposal of the objection petition and the Petitioners will appear through counsel before Certificate Officer within two weeks to press their objection petition, failing which order for no-coercive step shall stand vacated.

The writ petition stands disposed of. Interlocutory Application, if any, is disposed of.