

**(2010) 04 JH CK 0015**  
**In the Jharkhand High Court**

Sharda Ranjan Das

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

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**Date of Decision :** 17-04-2010

**Acts Referred:**

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

**Citation :** (2010) 04 JH CK 0015

**Hon'ble Judges :** Dhirubhai Naranbhai Patel, J

**Bench :** Single Bench

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**Judgement**

D.N. Patel, J.—Learned Counsel for the petitioner submitted that the petitioner had taken loan of approximately Rs. 4,00,000/- and sizable amount more than Rs. 10,00,000/- have already been re-paid to the respondents-Bank. Nonetheless, the respondents-Bank has initiated proceedings under the Bihar and Orissa Public Demand Recovery Act, 1914 and the case is registered against the present petitioner as Certificate Case No. 373 of 2004-05, which is pending before the District Certificate Officer, Deoghar and as no final decision has been taken by the said officer, let a direction may be given to dispose of the said case, as expeditiously as possible and practicable, in accordance with law, within stipulated time, after giving an adequate opportunity of being heard to the petitioner or to his representative.

2. Learned Counsels appearing for the respondents have no much objection. Nonetheless, it is vehemently submitted by the learned Counsel for the Bank that the final decision has been taken by the District Certificate Officer, Deoghar, u/s 9 of the Act, 1914, in the year, 2005 itself and they have no much objection for getting disposal of the certificate case.

3. In view of these submissions and looking to the facts and circumstances of the case, that Certificate Case No. 373 of 2004-05 is pending since long before the District Certificate Officer, Deoghar, who is respondent No. 3, I hereby, direct respondent No. 3 to hear and finally disposed of the case, in accordance with law, rules, regulations, policies and enforceable Government orders, applicable to

the parties to the aforesaid certificate case and after giving an adequate opportunity of being heard to the petitioner or to his representative, as expeditiously as possible and practicable, preferably within a period of four weeks, from the date of receipt of a copy of an order of this Court. This Court is not entering into the merits of the case. Merits of the case will be decided by respondent No. 3 on the basis of the evidences and in accordance with law.

4. Learned Counsel for both the sides have submitted that they shall cooperate the hearing before respondent No. 3. I hereby, direct respondent No. 3 not to grant unnecessary adjournments, so as to dispose of the aforesaid Certificate Case No. 373 of 2004-05, within the aforesaid stipulated time.

5. In view of the aforesaid directions, this writ petition is disposed of.