

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No.1787 of 2011

MD. JASEEM S/O MD. YUNUS, R/O VILLAGE-MUSTAFAPUR,  
P.S.-BIBHUTIPUR, DISTRICT-SAMASTIPUR.

.....Petitioner

Versus

1. THE STATE OF BIHAR.
2. THE MANAGER, STATE BANK OF INDIA, (A.D.V.)  
DALSINGSARAI, DISTRICT-SAMASTIPUR.
3. THE CERTIFICATE OFFICER, SAMASTIPUR.

.....Respondents

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02      28.02.2011

Heard learned counsel for the petitioner and learned counsel  
for State Bank of India.

2.      This writ petition has been filed by the petitioner  
challenging order dated 20.07.2007 passed by the Certificate Officer,  
Samastipur in Certificate Case No. 10 of 2007 directing attachment of  
property of the petitioner on account of non-deposit of the amount of the  
Bank under the provisions of Section 7 of the Bihar and Orissa Public  
Demand Recovery Act. Learned counsel for the petitioner submits that  
the said order is an ex-parte order and was passed behind the back of  
petitioner and he had no knowledge of the said order earlier and hence  
as soon as he learnt about the same as well as about the action going to  
be taken against the petitioner.

3.      Considering the said aspect of the matter, this writ  
petition is disposed of with a liberty to the petitioner to file an appeal as  
per the provisions of Section 60 of the Public Demand Recovery Act,  
1914, raising all the points which he has taken before this Court. If such  
an appeal is filed by the petitioner within three weeks from today  
alongwith a copy of this order as well as an interlocutory application for  
condoning the delay the appellate authority shall consider the said

matter in accordance with law and decide it expeditiously preferably within a period of three months thereafter. The petitioner will also be at liberty to file an interlocutory application for any interim relief which the said appellate authority shall also consider in accordance with law.

**(S. N. Hussain, J.)**

Safik

