

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17227 of 2015

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Rakesh Kumar son of Late Jaynandan Sharma, resident of village- Bauri, P.S.-
Hulasganj, District- Jehanabad

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Mines, Government of Bihar, Patna
3. The Director Mines, Government of Bihar, Patna
4. The Deputy Director Mines-cum-Certificate Officer, Magadh Division, Gaya
5. The Mines Inspector, Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-11-2015

Heard learned counsel for the petitioner. None, however, appears on behalf of the respondents.

2. The present writ petition has been filed for quashing the certificate proceedings initiated against the petitioner under the Bihar and Orissa Public Demands Recovery Act (for short, “the Act”) in Certificate Case No. 36 of 2012-13, pending before the Certificate Officer, Gaya and for connected reliefs.

3. The immediate concern of petitioner in this case is that warrant of arrest has been issued against him in connection with recovery of alleged dues amounted to Rs. 1, 64, 110/-.

4. It is submitted on behalf of the petitioner that warrant of arrest had been issued against the petitioner without so much as issuance of notice

under Section 7 of the Act, thus rendering the entire proceeding unsustainable as being in violation of Section 14 of the Act.

5. In that view of the matter, the present writ petition is disposed of with liberty to the Certificate Officer, Gaya to issue the notice mandated under Section 7 of the Act before proceeding for recovery of the alleged dues against the petitioner, in accordance with law.

6. In the meantime, the Certificate Officer, Gaya shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 36 of 2012-13.

(Vikash Jain, J)

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