

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3872 of 2014

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Kamlesh Singh son of Late Baldeo Singh Resident of village - Lohari, P.O. -
Ranipur, Mesopur, P.S. - Noorsarai, District - Nalanda

.... Petitioner

Versus

1. The State of Bihar
2. The Director, Mines, Government of Bihar, Patna
3. The Certificate Officer, Mines, Patna Mines Circle, Patna
4. The Certificate Officer, Nalanda at Biharsharif
5. The Assistant Mines Officer, Nalanda at Biharsharif

.... Respondents

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Appearance :

For the Petitioner : Mr. Damodar Prasad Tiwary,
Mr. Braj Bhushan Mishra, Advocates

For the Respondents: Mr. Manoj Priaydarshi, SC 17

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-12-2015

Heard learned counsel for the petitioner and learned counsel
for the State

2. It is submitted on behalf of the petitioner that the entire
proceedings in Certificate Case No. 71 of 2007-08 and 154 of 2009-
10 against the petitioner in terms of Section 7 of the Bihar & Orissa
Public Demands recovery Act (For short, “the Act”) for recovery of
the dues amounting to Rs. 1,47,374/- are wholly illegal and liable to
be quashed.

3. The immediate concern of the petitioner in this case is
that a warrant of arrest has been issued against him in connection with
the dues amounting to Rs. 1,47,374/- recoverable in terms of the

notice dated 08.03.2008 issued by the Certificate Officer, Patna in Certificate Case No. 71 of 2007-08 and 154 of 2009-10.

4. Learned counsel for the respondents submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the Respondents.

5. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Act within a period of four weeks from today, which, if done, shall be disposed of by the Certificate Officer on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Patna shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 71 of 2007-08 and 154 of 2009-10.

7. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/-

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