

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1796 of 2014

=====

Ranjit Kumar Son of Late Sri Bhagwan Sao Resident of Village Ahiyapur, P.S.
And District Sheikhpura

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Sheikhpura
3. The Mines Development Officer, Sheikhpura
4. The Certificate Officer-Cum-Deputy Director Mines and Mineral Department,
Munger Circle, Munger

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. PANKAJ KUMAR, Advocate

For the Respondent/s : Mrs. Namrata Mishra, GA 13

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-12-2015

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 08 of 2013-14 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. 1,62,025/- 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. 1,62,025/- recoverable in terms of the notice dated 13.09.2013 issued by the Certificate Officer (Mines & Minerals), Munger Division, Munger in Certificate Case No. 08 of 2013-14.

4. It is further submitted that an objection petition under Section 9

has already been filed which is pending before the Certificate Officer (Mines & Minerals) but without disposing of the same, the warrant of arrest has been issued.

5. With the consent of parties, the present writ petition is disposed of with direction to the Certificate Officer (Mines & Minerals), Munger Division, Munger to consider and dispose of the objection petition under Section 9 of the Act said to have been filed by the petitioner, on its own merits, in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

6. It is made clear that until disposal of such objection petition, the Certificate Officer (Mines & Minerals), Munger Division, Munger, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 08 of 2013-14.

(Vikash Jain, J)

Chandran

U			
---	--	--	--