

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8790 of 2016

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M/s. P. R. C. R. Traders through its Proprietor Sri Govind Madhav Jha Son of late Kameshwar Jha Resident of Village- Majhaullia, P.O.- Majhaullia P.S.- A.P. Mill, Anchal- Hayaghat, District-Darbhangha Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Mines & Geology , Govt. of Bihar, Patna.
2. The Director, Mines, Govt. of Bihar, Patna.
3. The Deputy Director, Mines & Geology, Darbhanga Division, Darbhanga.
4. The District /Assistant Mining Officer, Darbhanga.
5. The Inspector –cum- Competent Officer (Mines & Geology) Darbhanga.
6. The District Magistrate(Collector) Darbhanga.
7. The Superintendent of Police, Darbhanga.
8. The Certificate Officer, Darbhanga Anchal, Darbhanga.
9. The Officer-in-Charge, Ashok Paper Mill Police Station, Distt- Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Nath Jha
For the Respondent/s	:	Mr. Devendra Kumar Sinha, AAG-2
For the Mining Department	:	Mr. Rajendra Prasad

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 29-06-2016 Heard Mr. S.N. Jha, learned counsel for the petitioner, learned counsel for the State and Mr. Rajendra Prasad for the Mining Department.

The petitioner questions the validity of certificate proceedings arising from certificate case no.33 of 2008-09 as well as certificate case no.16 of 2011-12 initiated at the instance of the Mining Department *inter alia* for default of payment of license fee by the petitioner.

Even while questioning the validity of the proceeding, Mr. Shashi Nath Jha, learned counsel for the petitioner referred to affidavits present at Annexure-10 to submit that the *bona fide* of the petitioner is reflected since he has agreed for payment of the entire certificate amount.

In the circumstance discussed and considering the willingness of the petitioner to make payment of the certificate amount , I deem it fit and proper to dispose of the writ petition with a direction to the petitioner to file an appropriate application in each of the two certificate cases expressing his inclination for payment of the certificate amount and which application of the petitioner along with an application for stay of warrants if any issued in the certificate case, would be considered and be disposed of by the District Certificate Officer, Darbhanga in accordance with law and after opportunity of hearing to the petitioner.

(Jyoti Saran, J)

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