

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4244 of 2013

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Nutan Kumar Singh Son of Pannalal Patel, Resident of Village Panshalwa, P.S.:-
Beldaur, District- Khagaria

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary of Mining (Khanan) Department, Government of Bihar, Patna
2. The Director Mining (Khanan) Department, Government of Bihar, Patna
3. The Certificate Officer cum Dy. Director, Mining Department, Munger, Circle- Munger
4. The District Mining (Khanan) Officer, Begusarai
5. The Assistant Mining (Khanan) Officer, Begusarai
6. The Circle Officer Beldaur, Khagaria

.... Respondents

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Appearance :

For the Petitioner : Mr. Pankaj Kumar Jha, Advocate
For Respondent no.1 & 2 : Mr. S.K. Saraf, AC to GP 7
For Mines Department : Mr. Rajendra Prasad, Spl. P.P. (Mines)

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-10-2016

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Mines Department.

2. It is submitted on behalf of the petitioner that the entire proceedings initiated in Certificate Case No. 16/2009-10 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands recovery Act (for short, "the PDR Act") for recovery of the dues amounting to Rs. 2,54,967/- as a Mining Tax 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. 2,54,967/- recoverable in terms of the notice

dated 12.05.2010 issued by the Certificate Officer, Munger in Certificate Case No. 16 of 2009-10.

4. From the pleadings in the writ petition it is not clear whether or not the petitioner has filed his petition under Section 9 of the Act denying his liability for recovery of the amount in question under the PDR Act.

5. Having regard to the nature of the grievance of the petitioner, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the PDR Act, if not already so done, within a period of four weeks from today, and in such event, the same shall be disposed of by the Certificate Officer, Munger 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, Munger shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 16 of 2009-10.

7. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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