

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6586 of 2014

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Manoj Kumar @ Manoj Tiwari Son of Sri Namendra Tiwari Resident of Village -
Hazaratpur Mararo, P.S. - Ariyari, District - Shekhpura.

.... Petitioner

Versus

1. The State of Bihar
2. The Director, Mines, Munger.
3. The Deputy Director, Mines, Munger-cum- Certificate Officer, Munger.
4. The Principal Secretary, Mines Department, Bihar, Patna.
5. The Collector cum Mines Officer, Shekhpura.
6. Assistant Mines Development Officer, Shekhpura.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Satish Kumar, Advocate

For the Respondent/s : Mr. Rajendra Prasad, Sr. Advocate, Spl. PP, Mines

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-04-2016

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

I.A. No. 2465 of 2016

The Interlocutory Application has been filed for
amendment in the paragraph 1 of the writ application wherein
the Certificate Case Number has inadvertently been mentioned as
“8/2011-12” in place of the correct Certificate Case No. “01/2011-
12”.

2. Having regard to the nature of the prayer, the
same is allowed. The petitioner is permitted to make correction

appropriately in paragraph 1 of the writ petition by correcting the Certificate Case Number as 01/2011-12.

3. I.A. No. 2465 of 2016 stands allowed.

CWJC No. 6586 of 2014

It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 01/2011-12 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. 12,60,850/- are wholly illegal and liable to be quashed.

2. 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. 12,60,850/- recoverable in terms of the notice dated 07.07.2011 issued by the Certificate Officer (Mines and Geology), Munger Division, Munger in Certificate Case No. 01/2011-12.

3. Learned counsel for the respondent-Corporation 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.

4. 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 three 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.

5. It is made clear that until disposal of such petition, if filed, the Certificate Officer (Mines and Geology), Munger Division, Munger shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01/2011-12.

6. The writ petition stands disposed of.

(Vikash Jain, J)

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