

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6896 of 2014

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Syed Mahfooz Alam Son of Late Syed Hassan Akhter resident of Village-
Chakandra, P.S.- Chwera, District- Shekhpura

.... Petitioner

Versus

1. The State of Bihar
2. The Director, Mines, Munger
3. The Deputy Director (Mines) Cum Certificate officer, Mines and Geological,
Munger Circle, 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

For the Respondent/s : Mr. DEVENDRA KR SINHA

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-03-2016

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. 9 of 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. 5,40,172/- 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. 5,40,172/- recoverable
in terms of the notice dated 07.07.2011 issued by the Certificate
Officer (Mines & Geology), Munger Division, Munger in Certificate
Case No. 9 of 2011-12.

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 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.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, (Mines & Geology), Munger Division, Munger shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 9 of 2011-12.

7. The writ petition stands disposed of.

(Vikash Jain, J)

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