

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7569 of 2014

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Gyanendra Kumar Sinha S/o - Shri Devki Nandan Singh resident of Mohalla -
(Sukriti Niwas) Purabsarai, P.S. - Kotwali, District - Munger.

.... Petitioner

Versus

1. The State of Bihar.
2. The Certificate Officer-cum-Dy. Director, Mines & Earth, Munger.
3. The District Certificate Officer, Munger.
4. The Assistant Mining Officer, Munger.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Sri Prakash Srivastava, Advocate
 Ms. Anu Priyadarshini, Advocate
 Mr. Santosh Bharti, Advocate

For the Respondent/s : Mr. Sunil Kumar Mandal, SC 24
 Mr. Arjun Prakash, AC to SC 24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-01-2016

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

2. It is submitted on behalf of the petitioner that the
entire proceedings in Certificate Case No. 583 of 2008-09 against
the petitioner in terms of the Bihar & Orissa Public Demands
Recovery Act (for short, "the Act") for recovery of the dues
amounting to Rs. 61,74,309/- are wholly illegal and liable to be
quashed.

3. The immediate concern of the petitioner in this



case is that warrant of arrest has been issued against him in connection with the dues amounting to Rs. 61,74,309/- recoverable in terms of the notice dated 07.02. 2014 issued by the Certificate Officer (Mines), Munger Division, Munger in Certificate Case No. 583 of 2008-09.

4. It is further submitted that as evident from the entries in the order sheets dated 22.05.2013 and 07.02.2014 that notice under Section 7 of the Act was not served on the petitioner and without awaiting the service report, warrant of arrest has been issued on 03.03.2014. Soon thereafter, on 19.03.2015 the petitioner has filed his objection under Section 9 of the Act which remained pending.

5. With the consent of parties, the present writ petition is disposed of with direction to the Certificate Officer (Mines), 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, if still pending, 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), Munger Division, Munger

shall not resort to any coercive action for recovery of the dues
against the petitioner in Certificate Case No. 583 of 2008-09.

(Vikash Jain, J)

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