

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4475 of 2014

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1. Munna Singh S/o Sri Ram Mittar Singh
2. Pawan Singh S/o Sri Virendra Mohan Singh
3. Jay Prakash Singh S/o Late Vijendra Singh
All are residents of Village + P.O.- Sartha, P.S.- Bena, District- Nalanda
..... Petitioners

Versus

1. The State of Bihar
2. The Director, Mine, Govt. Of Bihar, Patna
3. The Certificate Officer, Mine, Patna Mince Circle, Patna
4. The Certificate Officer, Nalanda at Bihar Sharif
5. The Assistant Mine Officer, Nalanda at Bihar Sharif
..... Respondents

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Appearance :

For the Petitioners : Mr. Damodar Prasad Tiwary,
Mr. Braj Bhushan Mishra, Advocates
For the State : Mr. Upendra Pratap Singh, AC to SC 25
For the Mines Deptt.: Mr. Rajendra Prasad, Spl. PP (Mines)

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-01-2016

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

2. It is submitted on behalf of the petitioners that the entire
proceedings in Certificate Case No. 156 of 2009-10 against the
petitioners 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. 1,51,772/- are wholly illegal and liable to be
quashed.

3. The immediate concern of the petitioners in this case is
that a warrant of arrest has been issued against them in connection

with the dues amounting to Rs. 1,51,772/- recoverable in terms of the notice dated 08.03.2008 issued by the Certificate Officer, Nalanda at Bihar Sharif in Certificate Case No. 156 of 2009-10.

4. Learned counsel for the respondents submits that the petitioners do not appear to have filed any petition under Section 9 of the Act denying their liabilities, 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 petitioners to file their petition under Section 9 of the Act within a period of four 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, Nalanda at Bihar Sharif shall not resort to any coercive action for recovery of the dues against the petitioners in Certificate Case No. 156 of 2009-10.

7. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/-

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