

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5519 of 2015

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Md. Ghulam Kariyadar Son of Late Azimuddin, Resident of village- Fakir Toli,
Police Station- Amour, District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Department of Mines and Minerals, Government of Bihar, Patna.
3. The Joint Secretary, Department of Mines and Minerals, Government of Bihar, Patna.
4. The Collector, Purnia, District- Purnia.
5. The Assistant Mining Officer, Purnia, District- Purnia.
6. The Mining Inspector, Purnia, District- Purnia.
7. The Certificate Officer, Purnia, District- Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Najeeb Ahmad, Advocate.
For the Respondent/s	:	Mr. D. K. Sinha, A.A.G. 2.
For the Mines	:	Mr. Rajendra Prasad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 12-01-2016

Heard learned counsel for the parties.

The petitioner has moved the Court for quashing of the entire proceeding of Case No. 176/05-06 by which a certificate proceeding has been initiated against him before the Certificate Officer, Purnia. Learned counsel for the petitioner submits that he is limiting his prayer to the action of the Certificate Officer for passing of the order issuing warrant without disposing of the objection by a reasoned order.

Learned counsel for the petitioner submits that



by order dated 14.11.2014, petitioner had appeared before the Certificate Officer and had stated that he had not taken any amount for which certificate case has been instituted; however, warrant has been issued against him. It is his submission that despite the objection before the Court and his position having been noted in the order, there has not been any adjudication or disposal of his objection and still coercive action has been initiated against him.

Learned counsel for the petitioner submits that till date the objection has neither been disposed off on the one hand and on the other hand due to the warrant having been issued against him he has cannot appear before the Certificate Officer.

In view of the aforesaid, on the short point of the objection of the petitioner not having been considered by the Certificate Officer, Purnia, the writ application stands disposed off setting aside the order issuing warrant against the petitioner. The Certificate Officer is directed to consider and dispose off the objection filed by the petitioner by a reasoned order and thereafter proceed in accordance with law. The petitioner is directed to appear before the Certificate Officer, Purnia along with a copy of this order on 28th January, 2016.

The writ application stands disposed off in the aforementioned terms.

It goes without saying that if the objection has

already been disposed off by a reasoned order, only the issuance of warrant stands set aside as the petitioner shall have liberty to take appropriate steps against the said disposal of his objection as well as the maintainability/justification of the certificate case in accordance with law after appearing before the Certificate Officer.

(Ahsanuddin Amanullah, J.)

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