

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10024 of 2014

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Awadh Bihari Lal Srivastava @ Awadh Lal S/o Late Bharat Lal resident of Village
- Mangraon, P.S. - Kachhawan, District - Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the D.M. Rohtas.
2. Certificates Officer (Mines), Patna.
3. Mining Officer, Rohtas at Sasaram.
4. The Chief Mining Officer, Rohtas at Sasaram.

.... Respondents

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Appearance :

For the Petitioner : Mr.Rajesh Kumar Sinha, Advocate

For the Respondents : Mr. Arun Kumar Prasad, AC to SC 7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-02-2016

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. 97 of 2007-08 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. 1,58,790.00 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. 1,58,790.00 recoverable in terms of the notice dated 21.03.2012 issued by the Certificate Officer-cum-Deputy Director(Mines) Patna Division, Patna in Certificate Case No. 97 of 2007-08.

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-cum-Deputy Director (Mines) Patna Division, Patna shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 97 of 2007-08.

7. The writ petition stands disposed of.

(Vikash Jain, J)

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