

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17015 of 2017

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Mohan Singh son of Ganesh Singh R/o Village Bagchhara, P.S. Chand, District Kaimur at Bhabua.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Labour Resources Department, Govt. of Bihar, New Secretariat, Patna.
2. The District Magistrate-cum-Collector, Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. The Additional Collector, Kaimur at Bhabua.
5. The Sub-Divisional Officer cum Certificate Officer cum Minimum Wages Officer, Kaimur at Bhabua.
6. The Labour Enforcement Officer, Bhagwanpur cum In-charge Chand Kaimur at Bhabua.
7. The Office-in-charge of Chand Police Station.
8. Abdul Wahid Khan @ Wahid Khan s/o late Magid Khan R/o Bhabua Ward No. 10, P.S. Bhabua, District Kaimur at Bhabua.
9. Mustafa Miya son of late Sarif Miya R/o Bhabua Ward No. 9, P.S. Bhabua, District Kaimur at Bhabua.
10. Raju Miya son of Mustafa Miya R/o Bhabua Ward No. 9, P.S. Bhabua, District - Kaimur at Bhabua.

.... Respondents

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Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate.

For the Respondents : Ms. Anuradha Singh, SC-21

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-11-2017

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. It is submitted on behalf of the petitioner that entire proceedings in Certificate Case No. 01 (N.M)/2016-17 against the petitioner in terms of Section 7 of the Public Demands Recovery Act (For short, "the Act") for recovery of the dues amounting to Rs. 1,81,500/- 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. 1,81,500/-/- recoverable in terms of the order dated 26.05.2017 Issued by the Certificate Officer, Kaimur at



Bhabhua in Certificate Case No. 01(N.M)/2016-17.

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, Kaimur at Bhabua shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01(N.M)/2016-17.

7. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

