

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2270 of 2009

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1. Banarsi Singh Son of Late Barho Singh
2. Ram Charitar Singh, Son of Late Barho Singh
Both resident of Village Cheuma, P.S. Shekhopur,
District Shekhpura

.... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate-cum-Certificate Officer, Sheikhpura
3. The Assistant Mining Officer, Jamui

.... Respondents

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Appearance :

For the Petitioners : Mr. Neeraj Kr. Singh,
Mr. Ajay Kumar Singh, Advocates
For the State : Mr. Rishi Raj Sinha, SC 19
Mr. Birendra Pd. Singh, AC to SC 19
For Respondent No. 3 : Mr. Naresh Dikshit, Spl.PP, Mines

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 01-12-2017

The present writ petition has been filed for the following
reliefs –

- “(i) To quash the certificate case No. 323/2004-05 initiated at the instance of respondent no. 3 before the District Magistrate-cum-Certificate Officer, Sheikhpura.
(ii) To quash the order dated 03.01.2008 passed by Certificate Officer, Sheikhpura by which he has passed an order by issuance of warrant of arrest of the petitioner without disposing of the objection filed by petitioners on 06.09.2007 under section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914.
(iii) For any other relief or reliefs for which the



petitioners are found entitled in the facts and circumstances of the case”

2. At the very outset, learned counsel for the petitioners submits that coercive action has been taken against the petitioners for recovery of the alleged dues but, however, without disposing of the objection petition filed under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914 (for short, “PDR Act”) which remains pending before the Certificate Officer.

3. Learned counsel for the State as well as learned counsel for the Assistant Mining Officer, Jamui (respondent no. 3) appear and have been heard. They are unable to controvert the stand of the petitioners in their respective counter affidavits.

4. In the above view of the matter, the present writ petition is disposed of with a direction to the District Magistrate-cum-Certificate Officer, Sheikhpura (respondent no. 2) to consider and dispose of the petitioners’ objection petition said to have been filed under Section 9 of the PDR Act, if not already disposed of, on its own merits and in accordance with law expeditiously after grant of opportunity of hearing to the petitioner.

5. Until disposal of such petition, the District Magistrate-cum-Certificate Officer, Sheikhpura shall not take any coercive action for recovery of the dues against the petitioners in Certificate Case No. 323/2004-05.



B.T/Chandran

(Vikash Jain, J)

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

