

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23196 of 2013

=====

Upendra Prasad S/O Radhuni Prasad Resident Of Village- Samdiga, P.S-
Raushanganj, District- Gaya.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Assistant Director, District Mines Officer, Gaya.
3. The Certificate Officer Mines Magadh Circle Gaya.
4. The Commissioner Magadh Division, Gaya.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. RAJENDRA PRASAD

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-08-2018

The present writ petition has been filed for quashing the certificate proceeding in Certificate Case No. 124/09-10 pending before the Certificate Officer Mines, Magadh Circle (Anchal), Gaya including the order dated 20.09.2012 and 29.06.2013 by which arrest warrant and attachment has been issued against the petitioner.

2. Learned counsel for the petitioner has repeatedly sought pass over when the matter was called on 24.08.2018 and 25.08.2018. Once again a prayer was made for passing over the matter today. This Court indicated that the matter would not be adjourned any longer and accordingly directed that the matter will be taken up after 12 noon today, Learned counsel for the petitioner however, does not appear when the matter has been taken up at 1.00 p.m.

3. A perusal of the averments in the writ petition discloses that the main ground for challenge to the certificate proceeding is that no notice under Section 7 of the Bihar and Orissa Public Demands



Recovery Act, 1914 (for short ‘the PDR Act’) has been served upon the petitioner.

4. Learned counsel for the respondents-Mines Department appears and opposes the writ petition. He invites reference to para 9 and 10 of the counter affidavit wherein a specific stand has been taken that the statutory notice under Section 7 of the PDR Act was sent to the petitioner vide memo no. 169 dated 29.01.2010, but the petitioner did not reply to the same. It is therefore, submitted that there is no infirmity in the certificate proceeding.

5. Having regard to the aforesaid stand of the respondents-Mines Department which has not been disputed by the petitioner and no rejoinder has been filed, this Court finds the writ petition to be devoid of merit and accordingly stands dismissed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2018
Transmission Date	NA

