

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17825 of 2013

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Kunal Kumar Mishra S/O Prabhunath Mishra Resident Of Village- Koluhua, P.S.
Daraunda, District- Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Siwan District- Siwan
3. The District Certificate Officer, Siwan, District - Siwan
4. That The Assistant Mining Officer, Siwan, District- Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. ANIL CHANDRA, ADV

For the Respondent/s : Mr. HARENDRA PD. SINGH

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-08-2018

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

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 52/04-05/1479/04-05 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. 76,030/- 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. 76,030/- recoverable in terms of the notice dated 15.03.2005 issued by the District Certificate Officer, Siwan in Certificate Case No. 52/04-05/1479/04-05.

4. It is further submitted that an objection petition under Section 9 has already been filed which is pending before the Certificate Officer but without disposing of the same, the warrant of arrest has been



issued.

5. With the consent of parties, the present writ petition is disposed of with a direction to the District Certificate Officer, Siwan to consider and dispose of the objection petition under Section 9 of the PDR Act said to have been filed by the petitioner, if not already disposed of, on its own merits in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Siwan shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 52/04-05/1479/04-05.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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