

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8469 of 2015

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1. Sri Nath Ram, Son of Late Sahdeo Ram
2. Rajendra Singh, Son of Chhabinath Singh
Both Resident of village - Madurna, P.S. Chainpur, District – Kaimur

.... Petitioners

Versus

1. The State of Bihar
2. The Certificate Officer - cum - Deputy Director, Department of Mines, Mines
Anchal, Patna, Dy. Yashwant Singh, Road No. 25, House No. M052/22-/A
3. The Assistant Mines Officer, Rohtas, Sasaram, Kaimur
4. The District Magistrate, Bhabhua

.... Respondents

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Appearance :

For the Petitioners : Mr. Om Prakash Upadhyay, Advocate
For the Respondents : Mr. Anujit Sinha, AC to Pr. AAG 2
For the Mines Deptt. : Mr. Rajendra Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-02-2018

Heard learned counsel for the petitioners as well as
learned counsel for the respondents.

2. The petitioners are aggrieved by the notices dated
26.02.2015 issued in Certificate Case No. 32 of 2014-15 and
Certificate Case No. 31 of 2014-15, respectively, requiring them to
make payment of Rs. 1,60,902/- and Rs. 1,28,036/-.

3. Learned counsel for the petitioners submits that
demand for payment of Rs. 1,60,902/- and Rs. 1,28,036/- has been
made without however considering the amounts already paid by the
petitioners and no further dues are outstanding against them.



4. The immediate concern of the petitioners in this case is that warrant of arrest has been issued against them in connection with the dues amounting to Rs. 1,60,902/- and Rs. 1,28,036/- recoverable in terms of the notices dated 26.02.2015 issued by the Certificate Officer-cum-Deputy Director, Department of Mines, Patna, in Certificate Case No. 32 of 2014-15 and Certificate Case No. 31 of 2014-15, respectively.

5. Learned counsel for the respondents submits that the petitioners do not appear to have filed any petition under Section 9 of the Act denying their liabilities, and as such there is no illegality in the action of the respondents.

6. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioners to file their petitions 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-cum-Deputy Director, Department of Mines, Patna 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.

7. It is made clear that until disposal of such petitions, if filed, the Certificate Officer-cum-Deputy Director, Department of Mines, Patna shall not resort to any coercive action for recovery of the dues against the petitioners in Certificate Case No. 32 of 2014-15 and Certificate Case No. 31 of 2014-15, respectively.

8. The writ petition stands disposed of.



B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.02.2018
Transmission Date	N.A.

