

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25014 of 2013

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Triveni Prasad Singh Son of Late Gopal Jee Singh Resident of Village - Bhatauli,
Post - Bhatauli, Police Station - Nawanagar, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Mines, Government of Bihar
3. The District Magistrate, Buxar
4. The Superintendent of Police, Buxar
5. The Officer Incharge, Nawanagar Police Station, District Buxar
6. The Certificate Officer Mines, Patna Anchal, Patna
7. The Assistant Mines Officer, Buxar
8. The Assistant Director, District Mining Office, Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SANJAY KUMAR, ADV

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-08-2018

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

(i) For issuance of a writ in the nature of writ of certiorari
quashing the orders including the order dated 27.11.2009 and order
dated 08.10.2013 passed by the learned Certificate Officer, Mines,
Patna Anchal, Patna in Certificate Case No. 16/2007-08 (Annexure-2)
whereby and whereunder attachment warrant has been issued against
the petitioner for recovery of alleged dues.



(ii) For issuance of a writ in the nature of writ of mandamus commanding the respondent Certificate Officer and other respondent authorities not to take any coercive action against the petitioner in the matter.

(iii) For issuance of a writ in the nature of writ of mandamus directing the respondent Certificate Officer (Respondent No. 4) to allow the petitioner to file his objection under Section 9 of the PDR Act and consider and decide the same as the petitioner had no knowledge of the certificate case earlier and he had not received any notice.

(iv) For issuance of any other writ(s) or order(s) or direction(s) which may be deemed fit and proper in the facts and circumstances of the case.

2. At the very outset, learned counsel for the petitioner submits that the petitioner was unaware of the certificate proceedings until issuance of the warrant of arrest. He invites reference to statement made in paragraphs 9 to 11 of the writ petition denying service of any notice under Section 7 of the PDR Act nor he was aware of any notice in the newspaper as he lives in remote village. Accordingly he was unable to file his objection petition under Section 9 of the PDR Act denying his liability.

3. None appears on behalf of the respondents when the matter is



called.

4. Having regard to the stand of the petitioner as well as the statement made in para 8 of the counter affidavit to the effect that the notice under Section 7 of the PDR Act was sent by post and was not returned from the Postal Department and in absence of any reply for the notice from the petitioner, the impugned warrant of attachment was issued by the Certificate Officer on 08.10.2013. This Court is of the view that the ends of justice will be met if the petitioner is granted liberty to file his objection petition under Section 9 of the PDR Act within a period of two weeks from today, which, if done, shall be disposed of by the Certificate Officer Mines, Patna Anchal, 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.

5. In the meantime, the Certificate Officer, Mines, Patna Anchal, Patna shall not resort to any coercive action for recovery of the dues against the petitioner in. Certificate Case No. 16/2007-08.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	NA

