

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10216 of 2015

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Sudama Singh, Son of Late Sheomuni Roy, Resident of village- Karkatpur, P.O.
Akorhi Gola, P.S. Akorhi Gola, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through D.M. Rohtas.
2. The Auction Sale Officer (Mines), Patna Division, Patna.
3. The Assistant Director, Mines and Geological Department, Rohtas.
4. The Superintendent of Police, Rohtas.
5. The Officer Incharge, Akori Gola, Rohtas.
6. The Certificate Officer (Mines) Patna Division, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha
Ms. Seema Kumari, Advocates

For the Resp. No.1 & 3 : Mr. Naresh Dikshit,
Mr. Brij Bihari Towary, Advocates

For the Respondent/s : Mr. Anujit Sinha, AC to PAAG 2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-09-2018

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. 50 of 2007-08 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands recovery Act (for short, "the PDR Act") for recovery of the dues amounting to Rs. 1,46,535/- 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. 1,46,535/- recoverable in terms of the notice dated 01.12.2014 issued by the Certificate Officer (Mines), Patna Circle,



Patna in Certificate Case No. 50 of 2007-08.

4. Learned counsel for the respondent-Mines Department invites reference to paragraph 5 of the counter affidavit and submits that the petitioners does not appear to have filed any objection petition under Section 9 of the PDR Act denying his liability, and as such there is no illegality in the action of the respondents. This has not been denied by the petitioner as no rejoinder has been filed.

5. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his objection petition under Section 9 of the PDR Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer (Mines), Patna Circle, 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.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer (Mines), Patna Circle, Patna shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 50 of 2007-08.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2018
Transmission Date	NA

