

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6490 of 2015

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Krishna Singh son of Jagropan Singh, resident of Daimiya Nagar P.S.-
Daimiya Nagar, District- Rohtas

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Mines and Geology, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Kaimur.
4. The Certificate Officer cum Deputy Director, Department of Mines and Geology, Patna Circle, Kidwai Puri, Patna.
5. The Assistant Mines Officer, Kaimur.
6. The Sub-Divisional Magistrate cum Certificate Officer, Mohania, Kaimur

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Mishra, Advocate.
For the Mines	:	Mr. Naresh Dixit, Advocate.
For the State	:	AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 22-11-2018

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

2. The present writ petition has been filed for the
following reliefs -

- “(i) For issuance of an appropriate writ in the nature of certiorari for quashing the certificate case no. 07/2013-14 initiated against the petitioner and accordingly notice dated 22.01.2014 has been issued against the petitioner.
- (ii) For issuance of an appropriate writ in the nature of certiorari for quashing the certificate case no. 01/2010-11 initiated against the petitioner and accordingly notice dated 23.09.2011 has been issued against the petitioner.
- (iii) Any other order or orders as your Lordships may deem fit and proper in the facts and circumstances of the case be granted to the petitioner.”

3. Learned counsel for the petitioner submits that the
entire certificate proceedings in Certificate Case No. 07 of 2013-



2014 and Certificate Case No. 01 of 2010-2011 without serving a copy of the respective statutory notices under Section 7 of the Public Demands Recovery Act, 1914 (for short, 'the Act') are wholly arbitrary and illegal. A specific stand has been taken in paragraphs- 5 and 6 of the supplementary affidavit denying service of any such notices upon the petitioner.

4. The respondent- Mines Department, on the other hand, has taken a stand in paragraph-8 of its counter affidavit that notices under Section 7 of the Act in both certificate cases have been issued through ordinary as well as registered post. Learned counsel for the respondent-Mines Department makes a statement at the Bar that the records of both certificate cases have since been transmitted to the Sub-Divisional Magistrate-cum-Certificate Officer, Mohania, Kaimur and hence he is not in a position to ascertain the status of service of notices upon the petitioner.

5. In the above view of the matter and as prayed, learned counsel for the petitioner is permitted to implead the Sub-Divisional Magistrate-cum-Certificate Officer, Mohania, Kaimur as respondent no. 6 in course of the day.

6. Learned counsel for the State appears but expresses that he has no instruction on this aspect of the matter.

7. Having regard to the nature of the grievance of the petitioner and the stand of the respondents, this Court is of the view that the writ petition may be disposed of with a direction to



the respondent-State to ascertain from the records of the certificate cases whether or not the notices under Section 7 of the Act were served upon the petitioner if so, the details of such service of the notices shall be communicated to the petitioner.

8. In case, the details of service of the notices cannot be ascertained, the Sub-Divisional Magistrate-cum-Certificate Officer, Mohania, Kaimur shall take steps for service of the statutory notices upon the petitioner expeditiously.

9. Upon intimation from the Certificate Officer in either event as aforesaid, the petitioner shall be at liberty to file his objection petition under Section 9 of the Act within a period of 30 days thereof. The Certificate Officer shall then proceed to dispose of the objection petition in accordance with law after grant of opportunity of hearing to the petitioner.

10. In the meantime, the Certificate Officer shall refrain from taking coercive steps against the petitioner.

(Vikash Jain, J)

lbrar/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.11.2018
Transmission Date	N.A.

