

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5578 of 2015

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Chandra Bhushan Sharma son of Ramanuj Singh resident of east Gandhi
Maidan P.S. Jehanabad District- Jehanabad.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Mines and Geology Government of Bihar, Patna.
2. The Commissioner, Mines and Geology Department Government of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Jehanabad
5. The Superintendent of Police, Jehanabad.
6. The Certificate officer Mines and Geology Magadha Area, Gaya.
7. The Assistant Mines officer Jehanabad.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shivendra Prasad, Advocate.
For the Mines Dept. : Mr. Naresh Dikshit
Mr. Brij Bihari Tiwari, Advocates.
For the State : Mr. Narendra Kumar, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-08-2018

The present writ petition has been filed for quashing of
the certificate proceedings in Certificate Case Nos. 10/2009-2010,
87/2009-10, 71/2009-2010 and 109/2009-2010.

2. Learned counsel for the petitioner submits that the
entire certificate proceeding is misconceived inasmuch as the
petitioner has never operated the brick kiln in question. Statement is
made at the Bar on instruction that an objection petition denying the
petitioner's liability has been filed under Section 9 of the PDR Act on



03.03.2015 but the same remains pending.

3. Learned counsel for the respondents appears.

4. Having regard to the nature of the grievance of the petitioner, the writ petition is disposed of with a direction to the Certificate Officer Mines and Geology Magadh Area, Gaya (respondent no. 6) to consider and dispose of the petitioner’s objection said to have been filed under Section 9 of the PDR Act on 03.03.2015, if still pending, in accordance with law and after grant of opportunity of hearing to the petitioner.

5. In the meantime, the Certificate Officer shall refrain from taking coercive steps for recovery of the dues against the petitioner until disposal of the objection petition as aforesaid.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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