

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16868 of 2013

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Birendra Kuamr Singh son of Late Babuchand Singh, R/O Village - Ugar Bigha,
P.O. - Jaipur, P.S. - Sasaram, District - Rohtas

.... Petitioner

Versus

1. The State Of Bihar
2. The Mines Commissioner Cum Principal Secretary, Mines, Government Of Bihar, Patna
3. The District Magistrate, Rohtas, Sasaram
4. The Assistant Director, Mines, Rohtas, Sasaram
5. The Certificate Officer, Mines, Patna Circle Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Rakesh Narayan Singh, Advocate.
For the Mines : Mr. Narayan Dikshit, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-08-2018

Heard learned counsel for the petitioner and learned
counsel for the Mines Department.

2. The present writ petition has been filed for quashing
the entire certificate proceeding in Certificate Case No. 01 of 2013-14
pending in the court of respondent no. 5, learned Certificate Officer,
Mines, Patna Circle Patna since the requisition is not maintainable.

3. It is submitted on behalf of the petitioner that the entire
proceedings in Certificate Case No. 01 of 2013-14 against the petitioner
in terms of Section 7 of the Bihar & Orissa Public Demands recovery
Act (For short, "the Act") for recovery of the dues amounting to



Rs. 2,56,86,224/- are wholly illegal and liable to be quashed.

4. Learned counsel for the respondent-Mines Department submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the Respondents.

5. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Act within a period of four weeks from today, which, if done, shall be disposed of by the Certificate Officer 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. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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