

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25264 of 2019

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Rakesh Kumar Singh @ Rakesh Singh Son of Sri Ramesh Singh, Resident of
Village- Jorar, P.O. Badaura, P.S. Ramgarh, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Minerals , Bihar, Patna.
2. The Collector, Kaimur, Bhabua.
3. The Certificate Officer-Cum-Sub- Divisional Officer, Mohania.
4. The Assistant Mining Officer, Kaimur, Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh
For the Respondent/s : Mr.Gyan Prakash Ojha (GA7)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-12-2019 Heard the learned counsel for the petitioner and

the State.

Though the petitioner has challenged the order dated 01.03.2018 / 18.04.2018 / 19.04.2018 on the ground that without affording any opportunity to the petitioner to file any objection petition, distress warrant has been issued but from the order-sheet appended with the writ petition, it becomes very clear that the petitioner was under notice of the aforesaid proceedings.

It was the fault of the petitioner not to file an objection petition under Section 9 of the Act. A



relaxation also was given by the Certificate Officer which was not availed of by the petitioner.

However, considering the totality of the circumstances, this Court directs that in case the petitioner files an objection petition under Section 9 of the Act within a period of three weeks from today before the concerned Certificate Officer, the same shall be entertained and shall be disposed off in accordance with law.

In the meantime, the order issuing distress warrant shall remain in abeyance. If the petitioner does not file objection petition within the time provided by this Court, it would be open for the Certificate Officer to proceed against the petitioner in accordance with law.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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