

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.682 of 2020

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Rakesh Singh @ Rakesh Kr. 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, Bhabua.

... .. 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 MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-02-2020

1. The present writ petition has been filed for quashing the orders dated 01.03.2018, 18.04.2018 and 19.04.2018, whereby and whereunder the learned Certificate Officer, Mohania, Kaimur at Bhabhua has been pleased to direct for issuance of warrant for realization of the amount in question from the petitioner on the basis of Requisition No. 6 of 2006-07.

2. The learned counsel for the petitioner has submitted that without service of any notice upon the petitioner, the Certificate Officer, in the pending Certificate case no. 189 of 2017-18, has passed an order, whereby and whereunder warrant has been issued for realization of the amount in question. It is



further submitted that the petitioner is ready and willing to file objections under *Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1914*, however in the meantime, it be directed that no coercive steps shall be taken against the petitioner herein.

3. The learned counsel for the State submits that in case, the petitioner files an objection under *Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1914*, the same shall be definitely disposed off within the stipulated time frame.

4. Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem it fit and appropriate to dispose off the present writ petition with liberty to the petitioner to file appropriate objections under *Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1914* within a period of eight weeks from today, whereupon the learned Certificate Officer-cum-Sub Divisional Officer, Mohania, Kaimur at Bhabhua shall pass final orders after considering the said objections within a period of three months therefrom. It is needless to state that if objection is not filed by the petitioner within a period of eight weeks from today, the concerned Certificate Officer shall be free to pass ex-parte orders. It is further stated that till the passing of



the final order by the learned Certificate Officer-cum-Sub Divisional Officer, Mohania, Kaimur at Bhabhua, no coercive steps shall be taken against the petitioner.

5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.03.2020
Transmission Date	NA

