

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL WRIT JURISDICTION CASE NO. 3209 of 2021

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Shivdhar Verma son of Shivilakhan Verma, Resident of Village Badipur, P.S.
Naubatpur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Assistant Director, District Mining Office, Virchand Patel Path, Patna-800- 001.
3. The District Magistrate cum Collector, Patna.
4. The Certificate Officer (Mining), Collectorate, Hindi Bhawan, Near Radio Station, Patna.
5. The Mining Inspector, Patna.

... .. Respondent/s

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Appearance:

For the Petitioner/s	: Mr. Gopal Govind Mishra, Advocate.
For the Respondent/s	: Mr. Sunil Kumar Mandal, SC-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 08-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing the Certificate Case No. 18 of 2018-19, whereby and where under the Certificate Officer (Mining), Collectorate, Patna has initiated a proceeding for realization of a sum of Rs. 89,000/- from the petitioner by issuing a notice under Section 7 of the Bihar and C demand Recovery Act, 1914



(hereinafter referred to as the “Act, 1914”) and pursuant thereto, a Body warrant has been issued vide order dated 28.09.2020.

At the outset, the Ld. counsel for the petitioner submits that the petitioner has already filed an objection under section 9 of the Act, 1914 on 01.10.2020, however, the Certificate Officer has not considered the same, hence, he be directed to consider the same and pass a final order under section 10 of the Act, 1914.

The Ld. Counsel for the Respondent State, Shri Sunil Kumar Mandal, SC-3, has got no objection.

Accordingly, the present writ petition stands disposed of with a direction to the Certificate Officer, (Mining), Collectorate, Patna to consider the objection filed by the petitioner and pass a reasoned and a final order under section 10 of the Act, 1914 and till the passing of the final Order, it is directed that no coercive steps shall be taken against the petitioner.

(Mohit Kumar Shah, J)

Tiwary/-

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