

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4912 of 2022

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Broad Son Commodities Private Limited a Company incorporated under the provisions of the Companies Act, 1956 having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S. Koilwar, District Bhojpur (Ara), through its Director Ashok Kumar aged about 65 years (male), son of Ram Chandra Saw, resident of Village/Mohalla - Pareo, P.S. Bihta, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-Cum-Principal Secretary, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna 800001.
2. The Principal Secretary cum Commissioner Mines, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna - 800001.
3. The Special Secretary cum Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Deputy Director, Mines and Geology, Patna Circle, Patna.
5. The District Magistrate-cum-Collector, Patna.
6. The Mineral Development Officer, Patna.
7. The District Certificate Office cum District Transport Officer, Bhojpur.
8. The District Certificate Officer cum District Rural Development Authority, Bhojpur.
9. The District Certificate Officer cum District Panchayati Raj Officer, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Sr. Adv.
Mr. Suraj Samdarshi, Adv.
For the Respondent/s : Mr. Gyan Prakash Ojha , GA-7
For the Mines & Geology Deptt. : Mr. Naresh Dixit, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 06-04-2022 The grievance of the petitioner is that under
Section 7 of the Bihar and Orissa Public Demand



Recovery Act, 1914 (hereinafter referred to as “the Act, 1914”), notice was served on the petitioner on 9.2.2022 and without affording any opportunity to the petitioner- company to file objection under Section 9 of the Act , 1914, the attachment order has been passed on 4.3.2022. According to the petitioner, this action of the respondents is vitiated.

We dispose of the present writ petition as not pressed, however, with a direction that the petitioner shall file objection under section 9 of the Act, 1914 within a period of ten days from today, if not already filed, before the Certificate Officer and the Certificate Officer shall take final decision thereon under section 10 of the Act, 1914, within a period of four weeks thereof. Till then, no coercive action shall be taken against the petitioner.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

Tiwary/-

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