

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5905 of 2022

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Baban Singh Son of Late Gauri Shankar Singh, resident of Gauri Niwas, Lane No. 8, Jai Prakash Nagar, Near Denobli School District Dhanbad Jharkhand-826001. 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 Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
 4. The Deputy Director, Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
 5. The District Magistrate-cum-Collector, Bhojpur, Ara.
 6. The Mineral Development Officer, Bhojpur, Ara.
 7. The District Certificate Officer cum District Rural Development Authority, Bhojpur.
 8. The District Certificate Officer cum District Panchayati Raj Officer, Bhojpur.
 9. The District Certificate Office cum District Transport Officer, Bhojpur.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha (Ga7)

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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 16-05-2022 A notice has been issued to the petitioner under

Section 7 of the *Bihar & Orissa Public Demand Recovery Act, 1914* (hereinafter referred to as the 'Act 1914') for recovery of

certain dues.

The learned counsel for the petitioner submits that the



Company i.e. M/s Broadson Commodities Private Limited, of which the petitioner is one of the Director, has already filed its objection under Section *9 of the Act, 1914* but no decision has been taken thereon, till now. It is stated before the Court that the petitioner be also allowed to file his objections, however, liberty be granted to raise preliminary objection regarding maintainability of the certificate proceedings *qua* the petitioner herein.

We thus dispose off this writ petition with liberty to the petitioner to file his objections within a period of four weeks from today and as soon as the objections are filed and pleadings are complete, the Certificate Officer shall take a decision in terms of *Section 10 of the Act, 1914*, at the earliest, in any case, not later than four months. The Certificate Officer shall also be at liberty to decide any preliminary objection raised before him by the petitioner regarding maintainability of the certificate proceedings.

Till then, no coercive action shall be taken against the petitioner.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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