

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7862 of 2022**

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1. M/s. Aditya Multicom Private Limited a Company incorporated under the provisions of the Companies Act, 1956 having its registered office at 12, Waterloo Street, 2nd Floor, Kolkata- 700069, through its Director Jagnarayan Singh, aged about 59 years (male), son of Late N.D. Singh, resident of Near Happy Child School, Nawrang Vatika, Poltechnic Road, P.S. Dhanbad, District Dhanbad, Jharkhand.
2. Sadashiv Prasad Singh son of Maleshwar Singh, resident of 410, Ganeshalay Apartment, Jharudih, Near Carmel School, Matkuria, Dhanbad, Jharkhand 826001.
3. Jagnarayan Singh son of Late N.D. Singh, resident of Near Happy Child School, Nawrang Vatika, Poltechnic Road, P.S. Dhanbad, District Dhanbad, Jharkhand.
4. Satish Kumar Singh Son of Jagnarayan Singh Resident of Village- Near Happy Child School, Polytechnic Road, P.S.- Dhanbad, 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 Special Secretary cum Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The District Magistrate-cum- Collector, Rohtas, Sasaram.
5. The Assistant Director, District Mining Office, Rohtas, Sasaram.
6. The Mineral Development Officer, Rohtas, Sasaram.
7. The District Certificate Office cum District Panchayati Raj Officer, Rohtas.

... .. 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 THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 27-07-2022**

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

- (i) To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents to bring on record the orders passed by the Respondent no. 7 in Certificate Case no. 1/2021-22, Certificate Case no. 2/21-22, Certificate Case no. 3/21-22, Certificate Case no. 4/21-22, Certificate Case no. 5/21-22, Certificate Case no. 6/21-22, Certificate Case no. 7/21-22, Certificate Case no. 8/21-22, Certificate Case no. 9/21-22, Certificate Case no. 10/21-22, Certificate Case no. 11/21-22 and Certificate Case no. 12/21-22, by which the objections filed by the petitioner under section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914 have been purportedly rejected and warrants of arrest have been issued against the CEO / directors of the petitioner company.
- (ii) Consequent thereto, to issue a further writ order of direction in the nature of *certiorari* for quashing the aforesaid orders and the warrants of arrest on the grounds that the same are in violation of section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914 and also the principles of the natural justice as the petitioner has not been afforded an opportunity to be heard and has been condemned unheard.
- (iii) That this Hon'ble Court may adjudicate and hold that execution of a certificate under section 12 can happen only after the objection petition is heard and decided by the certificate officer.

- (iv) That this Hon'ble Court may further adjudicate and hold that prior to rejecting the objection petitions of the petitioner, the Respondent Certificate Officer was legally obligated to hear the petitioner upon its objection.
- (v) This Hon'ble Court may further adjudicate and hold that the action of Respondents Certificate Officers, being quasi- judicial bodies, in rejecting the objection petition of the petitioner that too without hearing the petitioner and issuing warrants and thus subjecting the petitioner to stringent penal provisions of the Act is an act of mala fide and tantamounts to abuse of power.
- (vi) This Hon'ble Court may further adjudicate and hold that the Respondent Certificate officer is under a legal and statutory obligation to provide certified copies of the orders upon the requisitions filed by the petitioner on 08.04.2022 so as to enable the petitioner to avail the remedies provided under the Bihar and Orissa Public Demand Recovery Act, 1914.
- (vii) This Hon'ble Court may award the cost of litigation and suitable compensation to the Petitioner for the loss and damages caused on account of the illegal and arbitrary actions of the Respondent Authorities.
- (viii) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.

It is not in dispute that petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914

(hereinafter referred to as “the Act”) is pending consideration/petitioner intends to file before the appropriate authority.

Learned counsel for the parties jointly pray that the instant petition be disposed of with direction to the appropriate authority to consider and decide the same expeditiously.

Learned counsel for the State states that the appropriate authority shall consider and decide the petition filed/ to be filed by the petitioner under Section 9 of the Act positively within a period of two months from the date of appearance of the petitioner before him along with a copy of this order and the issue of limitation shall not come in the way of decision on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall appear in the office of the appropriate authority on **12<sup>th</sup> of August, 2022** along with a copy of this order, on which date documents in support of the petition shall be filed, or else file a fresh petition under Section 9 of the Act.

(b) The appropriate authority shall consider and

dispose of the petitioner's petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioner before him and till then no coercive steps be taken against the petitioner;

(c) The authority shall also examine as to whether the amount in question falls within the definition of public demand or not;

(d) The authority shall also examine all issues including question of fact and law;

(e) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing as also leading evidences has to be afforded to the parties;

(f) Order assigning reasons shall be supplied to the parties;

(g) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(h) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(i) Liberty reserved to the petitioner to challenge the order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(j) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

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