

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5635 of 2023

Binda Rai S/o Late Babu Lal Rai, resident of Rikabganj, Katra Bazar, P.O. -
Bazar Samiti, P.S. Malsalami, Dist. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar represented through its Chief Secretary Old Secretariat Building, Patna.
2. Nilami Patra Officer-cum-Add. Dist- Magistrate, (law and Order), Collectriat (Hindi Bhavan), Near Radio Station, Patna.
3. Auction Patra Officer (mines Collectoriare (Hindi Bhavan), near Radio Station, Patna.
4. Mines Development Officer, Dist. - Mines Office, Patna.
5. Director, Dist. - Mines Office, Patna.
6. Assistant Director, Dist Mines Office, Patna.
7. Mines Inspector, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Adv.
For the Respondent/s : Mr. Gyan Prakash Ojha (Ga 7)

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 04-09-2023 The present writ petition has been filed for the
following reliefs:-

(i) For the issuance of the proper direction/directions for giving proper opportunity to the petitioner being heard on the point of alleged demand of money Rs.4,10,000/- when the petitioner has submitted his grievances filing representation petitions to the Respondent No.5 Assistant Director, Mines Govt. of Bihar on 16.03.2018 (Annexure-I) and also on 20.04.2021 (annexure-I/1) in the ends of justice. So that the grievances of the petitioner may



be solved in accordance to law.

(ii) For the quashing the order dated 13.05.2022, 07.06.2022, 21.06.2022, 06.09.2022 and 04.11.2022 issued from the office of Respondent No.2 to the petitioner by which order the arbitrary acts is being adopted by the authority concerned for the arrest of the petitioner in the pursuant of the non payment of alleged due money due to mines duty to the tune of Rs.4,10,000/- beyond the natural justice in violation of Article 311 of constitution of India as contained under annexure-II series to this writ application.

(iii) For the grant of other relief/reliefs to which the petitioner found entitled to."

Learned counsel for the petitioner has stated that the petitioner being an illiterate could not file his objections to the show-cause notice issued by Nilami Patra Officer-Cum-Additional District Magistrate dated 18.12.2021 and the authority concerned has issued a warrant of arrest.

Learned counsel states that the petitioner may be given an opportunity to file his objections under Section 9 of the ***Bihar and Orissa Public Demands Recovery Act, 1914*** and thereafter the authorities may be directed to pass orders on



merits.

Having regard to the above made submissions, the petitioner is given an opportunity of filing his objections before the Nilami Patra Officer-Cum-Additional District Magistrate (Respondent No. 2) within a period of two weeks from the date of receipt of the order. In case any such objections are filed, the same shall be considered on its merits and necessary orders passed.

Till such time orders are passed, the respondent authorities are directed not to take any coercive steps against the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks thereof. In case objections are not filed within the time stipulated by this Court, the order of the District Magistrate impugned in the present writ petition shall continue.

(A. Abhishek Reddy, J)

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