

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16125 of 2023

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Jamshed Alam son of Jakkar Ali, Resident of Ward No. 03, Bochagari, P.O.-
Kuttigola, Chandaur, P.S.-Angadh, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mining and Geology Department, Govt. of Bihar, Patna.
2. The Director, Department of Mining and Geology, Government of Bihar, Patna.
3. The Assistant Director HQ, Mines and Geology, Bihar, Patna.
4. The Assistant Director, Mines and Geology, Purnea Anchal, Purnea.
5. The Officer on Special Duty, Mines and Geology, Govt. of Bihar, Patna.
6. The District Magistrate, Purnea.
7. The Additional Collector, Purnea.
8. The Mines Inspector-cum-Competent Officer, Purnea.
9. The Certificate Officer, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Bohra, Adv.
Mr. Sudhir Kumar Singh, Adv.

For the Respondent/s : Mr. Ajay (GA 5) with
Mr. Akash Raj, AC to GA-5.

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

2 10-11-2023 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the
following reliefs:-

*“(i) For quashing the entire
Certificate Case No. 577 of 2018-2019
instituted against the petitioner on the
ground that the very initiation of the
certificate case was against the statutory
provision of Public Demand Recovery Act,*



1914.

(ii) For quashing the order dated 25.08.2023 issued under the signature of Respondent No. 9 whereby and whereunder a warrant has been issued against the Certificate Debtor (Petitioner) and the concerned police station was directed to be informed about the same.

(iii) For directing the respondents particularly respondent No. 9 to stay the warrant of arrest till the disposal of present writ application.”

3. Learned counsel appearing on behalf of the petitioner has stated that the petitioner after receipt of the notice from the certificate officer has engaged an advocate for the purpose of representing the case. Learned counsel has stated that thereafter, the advocate concerned did not appear before the said authority nor intimated the progress of the case to the petitioner. The petitioner was under the impression that the matter was been looked after by the said advocate. Learned counsel has stated that the authority concerned has issued the warrant of arrest on 25.08.2023 and only then the petitioner came to know that the matter will still pending before the certificate officer and the same was not been represented by his Counsel. Learned counsel has stated that the petitioner may be given an opportunity of filing his objections under Section 9 and the same may be decided by the concerned officers on its own



merits and that till such time the final orders are passed under Section 10, the warrant of arrest may be stayed.

4. Learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition and stated that inspite of given ample opportunity to the petitioner, the petitioner has not bothered to defend of the case. The authority concerned left with no other option, had to necessarily issue warrant of arrest. However, learned counsel has fairly stated that an opportunity may be given to the petitioner to file his objections before the authority concerned and necessary orders may be passed on merits.

5. Having regard to the above made submissions, the present writ petition is disposed off with a direction to the petitioner to file his objections before the certificate officer within a period of three weeks from today and on such objections being filed, the concerned officer shall pass orders on merits strictly in accordance with law within a period of four weeks thereof. Till such time the final orders are passed, the authority concerned is directed not to take any coercive steps against the petitioner. In case, the petitioner does not file his objections within the stipulated period of three weeks, the authorities are free to take necessary action.



6. With the above directions, the present writ petition stands disposed off to the extent indicated above.

(A. Abhishek Reddy , J)

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