

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24365 of 2019

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Rakesh Kumar Singh @ Rakesh Singh Son of Sri Ramesh Singh, Resident of
Village-Jorar, P.O.-Badaura, P.S.-Ramgarh, District-Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Minerals, Bihar, Patna.
2. The Collector, Kaimur, Bhabhua.
3. The Certificate Officer-cum-Sub-Divisional Officer, Mohania.
4. The Assistant Mining Officer, Kaimur, Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha, GA 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-01-2023

Petitioner has prayed for the following relief(s):-

“That the petitioner craves indulgence of this Hon'ble Court for issuance of an appropriate Writ in the nature of Certiorari for quashing the Order dated 1.3.2018/18.4.2018/19.4.2018, whereby and whereunder learned Certificate Officer, Mohania, Kaimur, Bhabhua has been pleased to order for issuance of warrant for realization of amount from the petitioner on the basis of Requisition No.6/2006-07 as contained in Annexure-1 to this petition and further for



issuance of a Writ/Writs, Order/Orders, Command/Commands directing the respondents not to take coercive major against the petitioner till the disposal of Certificate Case No.195/2017- 18, pending before the Certificate Officer-Cum- S.D.O., Mohania, Kaimur, Bhabhua (Respondent No.3).

It is not in dispute that petition under Section 9/60 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 9/60 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 16th of January, 2023 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 9/60 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) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

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

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



(g) 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;

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

(i) 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)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

