

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9779 of 2023

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Gopal Ji Prasad S/o Sri Bhagwati Prasad R/o Village- Arwal Sipah, P.S. and
P.O.- Arwal, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary- cum- Mines Commissioner, Mines and Geology Department, Bihar.
2. The Director, Mines and Geology Department, Bihar.
3. The District Magistrate, Arwal.
4. The District Magistrate, Jehanabad.
5. The District Mineral Officer, Jehanabad.
6. The District Mineral Officer, Arwal.
7. The Assistant Mines Officer, Jehanabad.
8. The Certificate Officer (Mines), Jehanabad Circle, Jehanabad.
9. The Assistant Director, District Mining Office, Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Utkarsh Bhushan
For the Respondent/s	:	Mr. Gyan Prakash Ojha (Ga7)
	:	Mr. Sangh Mitra Ghosh (Ac to Ga7)
For the Mines	:	Mr. Naresh Dixit
	:	Mr. Utsav Anand

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 06-03-2024 1. Heard the parties.
2. Learned counsel for the petitioner submits that the present writ application has been filed against the order passed by the Certificate Officer by which the distress warrant in the certificate proceeding has been issued for realization of the certificate amount of Rs. 2,76,687/-. A certificate case bearing case No. 2/10-11, 3/10-11, 5/10-11 and 6/10-11 was initiated against the petitioner for



payment of certificate amount of Rs. 2,76,687/-. Section 7 notice was issued and in pursuance thereof, the petitioner appeared before the Certificate Officer and undertook to return the amount in installments. The certificate amount involved in 2/10-11 was Rs. 1,66,849/-, 3/10-11 was Rs. 41,773/-, 5/10-11 was Rs. 72,030 and 6-10-11 was Rs. 72,030/- having total amount of Rs. 3,54,682/- out of the aforesaid amount, the petitioner paid Rs. 56,283/- on 06.10.2010, Rs. 25,000/- on 09.08.2011 and Rs. 20,000/- 26.03.2012 amounting to Rs. 1,01,283/-. The present warrant has been issued for realization of the amount of Rs. 2,76,687/- which includes the balance certificate amount and the interest thereof.

3. Learned counsel for the petitioner submits that the petitioner is ready to pay the aforesaid amount of Rs. 2,76,687/- to the Certificate Officer within a period of six months in monthly installments of Rs. 46,114.5/-.
4. Mr. Utsav Anand, learned counsel for the mines as well as State, agree to the proposal of the petitioner and submit that if the amount is paid in installments within six months, the warrants shall be kept in abeyance.
5. Having heard learned counsel for the parties and taking



into consideration the respective submissions, the petitioner is directed to pay the certificate amount of Rs. 2,76,687/- in monthly installments within six months as proposed. Till then, warrant issued by the Certificate Officer shall be kept in abeyance for a period of six months. If the amount is not paid as agreed by the petitioner, the respondent shall be at liberty to take the legal course.

6. Accordingly, the present writ application is disposed with the aforesaid directions.

(Anil Kumar Sinha, J)

HarshPandey/-

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