

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13802 of 2016

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Sant Singh son of Late Diwakar Singh Resident of Village - Ramnagar, Police Station - Obra, District - Aurangabad. At present r/o Chauhan Bhawan, Krishna Nagar, Police Station - Aurangabad T, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Mines, Bihar
2. The District Magistrate, Aurangabad.
3. The Mines Development Officer, Aurangabad.
4. The Deputy District Mining Officer, Aurangabad.
5. The Certificate Officer Mines cum Deputy Director Mines, Magadh Circle, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Pravesh Nath Tiwari, Advocate
For the State	:	Mr. Rajesh Kumar, AC to GP 3
For the Mines	:	M/s Naresh Dikshit Kalpana, Advocates

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 16-12-2024

1. The petitioner has filed the instant application

for the following reliefs:

“i. For issuance of appropriate writ/ writs, order/ orders, for quashing of the Certificate Number 65/ 2006-07 dated 22.01.2008, issued by the Respondent No. 5, whereby a Public Demand of Rs. 50,000/- erroneously and wrongly has been made against the petitioner as a fine for the period 2002- 03.

II. For quashing of Certificate Notice issued to the petitioner by letter No. 131



dated 22.01.2008 in Certificate Case No. 81 of 2006-07 by respondent no. 5, because the same has been issued erroneously by the respondents without verifying the records and also because the same was never served upon the petitioner as it was sent on the wrong address.

III. For quashing of the warrant of arrest issued by the respondent no. 5 against the petitioner on 18.05.2011 and 02.01.2016 in Certificate Case No. 81/2006-07, vide letter no. 1085 and letter no. 34, as the same has been issued to the petitioner erroneously and illegally.

IV. For issuance of any other relief /reliefs to which the petitioner may be entitled to in the facts and circumstances of the case.”

2. At the outset, Learned counsel for petitioner contended that since this matter is squarely covered under the order dated 01.10.2024 passed by this Court in **CWJC No. 7365 of 2016 (Ashok Prasad Versus The State of Bihar & Ors.)** and order dated 11.07.2024 passed in **CWJC No. 9221 of 2016 (Raju Gupta Versus The State of Bihar & Ors.)**, this Writ petition may also be disposed of on the same terms and conditions. Learned counsel for the



petitioner further draws attention of this Court on a judgment passed by a Division Bench of this Court in **Nageshwar Prasad Singh Vs. Rai Bahadur Kashinath Singh (1958 BLJR 820)**. As regards the effect of a defective Certificate on the validity of the Certificate proceeding, the Division Bench of this Court in **Nageshwar Prasad Singh (supra)** has observed as follows:

“The Certificate-Officer must meticulously apply his mind to filing the Certificate and filling in the columns and blanks correctly and in appending his Certificate in the form prescribed, and that the filling in of the forms is a matter of substance and is imperative, to give the Certificate the force of a decree of court of law, and if it is found that the Certificate-Officer had not applied his mind at all and that some of the blank spaces were not filled up, or were incorrectly filled up, the document so prepared and filed is not a Certificate under the Public Demands Recovery Act. The Certificate proceedings are wholly invalid and the officer concerned acts without jurisdiction”

3. Heard the Learned counsel for the



petitioner as well as the respondents.

4. Apart from it, the Learned counsel for the petitioner also raised the point of limitation and contended that the recovery is barred by limitation and relied on the decision of this Court passed in **CWJC No. 21332 of 2011 (Rabindra Mishra Vs. Land Development Bank & Ors)**.

5. It is a matter of fact, which cannot be decided by this Court, However, the petitioner is at liberty to raise his defence on the ground of limitation before the authority.

6. In view of the fact that this matter is squarely covered by the aforesaid judgments, in the totality of the circumstances, I am of the opinion that the Certificate issued in Form No. 1 signed by the Certificate Officer (Mines) cum Deputy Director (Mines), Magadh Circle, Gaya and the Certificate Officer in the manner aforesaid is held to be invalid and is hereby quashed along with the notice under Section 7 of the Act issued in pursuance thereof. The matter is remitted to the Certificate Officer, Aurangabad for issuance of a fresh Certificate as well as the notice under Section 7 of the Act and thereafter to proceed



in the matter in accordance with law.

7. It is made clear that in the meantime, the Certificate Officer, Aurangabad, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 81 of 2006-07.

8. With the aforesaid observations, this writ petition stands disposed of in light of the judgment passed in, **Ashok Prasad, Raju Gupta and Nageshwar Prasad Singh (supra)**.

9. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2024
Transmission Date	

