

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11182 of 2025

Rajendra Singh son of Late Karmdeo Singh, resident of Village Roypura P.O. amvilash Nagar, P.S. Aurangabad Muffasil, District Aurangabad, at present resident of Mohalla karma Road, Ramraj Nagar Ward No. 7, P.O and District Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Mines and Mineral Department, Govt. of Bihar, Patna.
2. The District Magistrate Aurangabad.
3. The Assistant Director, Mines and Mineral Department, Aurangabad.
4. The Certificate Officer Cum Assistant Director Mines and Mineral, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Respondent/s : Mr. Addl. Advocate General (09)

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

2 22-07-2025 Heard the counsel for the petitioner and the counsel for the respondents.

2. It is stated by the learned counsel for the petitioner that pursuant to the notice issued under Section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as 'the Act') the petitioner has already filed his objection (Annexure P/3) under Section 9 of the Act before the Certificate Officer (Respondent No. 4 herein). That the Certificate Officer without passing any final orders, has issued a warrant of arrest against the petitioner. Learned counsel states that the issuance of warrant without passing the final order



under Section 10 of the Act is illegal, bad and contrary to the provisions of the Act.

3. Having regard to the same the present Writ Petition is disposed of directing the Respondent No. 4 to pass final orders under Section 10 of the Act after giving an opportunity of hearing to the petitioner. The authority while passing the orders shall pass a reasoned order duly taking into consideration the objections filed by the petitioner. Any orders passed shall be communicated to the parties.

4. Till such time the final orders are passed, no coercive steps shall be taken against the petitioner.

5. It is also made clear that in case the petitioner does not cooperate with the passing of the final order, the authority is free to pass appropriate orders.

(A. Abhishek Reddy, J)

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