

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15826 of 2025

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Ravindra Sharma @ Ravindra Singh, Son of Late Baliram Sharma, Resident of Village- Mau, P.S. - Tekari, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Mines Government of Bihar Patna.
2. The Collector-Cum-District Magistrate Gaya.
3. The District Mining Officer, Gaya.
4. The District Certificate Officer, Gaya.
5. The Circle Officer Tekari, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate.

For the Respondent/s : Mr. Standing Counsel 22.

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

2 05-01-2026 Heard learned counsel for the parties.

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

“.....for issuance of an appropriate writ/writs, order/orders, direction/directions for quashing the order dated 17.03.2025 issued by District Certificate Officer, Gaya in Certificate Case No. 109/2009-10 whereby and whereunder warrant of attachment of movable property has been issued against the petitioner for recovery of Rs. 64,500/- and the petitioner has been directed to deposit the same though he had already deposited Rs. 27,000/- on 23.09.2010 for sessions 2009-10 through



Draft No. 324079 dated 13.09.2010.”

3. It is the case of the petitioner that without issuing any notice under Section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914 (herein after referred to as ‘the Act’), the authority have issued the impugned notice dated 17.03.2025 (Annexure P/1) directing the petitioner herein to deposit an amount of Rs. 64,500/-.

4. Learned counsel appearing on behalf of the petitioner submits that though the petitioner has approached the authorities number of times and sought the details of the certificate case filed against him, the authorities till date have not served the notice under Section 7 of the Act. That the authorities on the other hand are insisting for payment of the certificate amount. It is further submitted that without passing any final orders under Section 10 or serving any notice under Section 7 of the Bihar and Orissa Public Demand Recovery Act, the insistence of the authorities to pay the certificate amount is illegal, bad and arbitrary exercise of power. Learned counsel, therefore, prays this Hon’ble Court to direct the authorities to act in accordance with law.



5. In the counter-affidavit filed by the Respondent-State, the factum of serving the notice under Section 7 of the Act has not been denied, in fact the authority specifically states the petitioner has not filed his objections under Section 9 of the Act, however, there is no denial of the fact that the notice under Section 7 of the Act has not been served on the petitioner.

6. Having regard to the above made submissions, this Court is of the opinion that ends of justice would be served if the District Certificate Officer, Gaya i.e. Respondent No. 4 herein is directed to serve the notice under Section 7 of the Act on the petitioner within a period of four weeks from the date of the receipt of the copy of this order. On such receipt of the Section 7 notice, the petitioner shall file his objections under Section 9 of the Act within a period of four weeks thereof. After receipt of the objections by the petitioner, the authority shall pass a reasoned order under Section 10 of the Act duly giving an opportunity of hearing to the petitioner and also taking into account the objection filed. The authorities shall endeavour to see that the final orders are passed as expeditiously as possible



preferably within a period of 8 weeks from the date of the receipt of the objections from the petitioner. Any orders passed shall be communicated to the party.

7. Till such time the final orders are passed, the authorities are directed not to take any coercive steps against the petitioner. It is also made clear that in case, the petitioner does not cooperate for the disposal of the certificate case or does not file his objections within the stipulated time, the authorities are free to recover the certificate amount from the petitioner.

8. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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