IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 3395 of 2015

Kaviraj Prasad Mehta, son of Late Khiru Mahto, resident of Village & P.O. Dumraon, P.S. Ichak, District- Hazaribagh **... Petitioner**

-Versus-

1. The State of Jharkhand
2. Deputy Commissioner, Hazaribagh, P.O. & P.S. Sadar, Dist.- Hazaribagh
3. District Mining Officer, Department of Mines and Geology, Hazaribagh, P.O. & P.S. Hazaribagh, District- Hazaribagh
4. District Certificate Officer, Hazaribagh, P.O. & P.S. Sadar, Dist.- Hazaribagh **... Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Hemant Kumar Shikarwar, Advocate
For the State : Mr. Gaurang Jajodia, A.C. to G.P.-II

10/05.10.2026 Heard Mr. Hemant Kumar Shikarwar, learned counsel appearing for the petitioner and Mr. Gaurang Jajodia, learned counsel appearing for the respondent-State.

2. Learned counsel appearing for the respondent-State submits that the counter affidavit is ready, however, it has not been filed in the Registry as the matter was on board.

3. In view of his such submission, the said counter affidavit is taken on record.

4. This writ petition has been filed under Article 226 of the Constitution of India for quashing the entire Certificate Case No.8 of 2009-10 pending in the Court of the Certificate Officer, Hazaribagh. The further prayer is made for quashing the order dated 21.09.2013 passed by the Certificate Officer in connection with Certificate Case No.8 of 2009-10, whereby, the learned Court has rejected the review petition filed by the petitioner. The prayer is also made for quashing Process No.565 dated 16.07.2014 issued by the Certificate Officer, whereby, the petitioner was order to pay Rs.23,28,134/-.

5. Mr. Hemant Kumar Shikarwar, learned counsel appearing for the petitioner submits that the petitioner was having license for excavation of stone chips and storage has been sanctioned by the concerned authority initially for the period of one year. He further submits that the license granted earlier was renewed for next one year and it was valid till December, 2009. He then submits that an inspection was purportedly carried out at Village- Dumrain, Police Station- Ichak to check the illegal mining or minor mineral on 24.03.2006. He next submits that the said inspection was carried out behind the back of the petitioner. He submits that on inspection, it was observed that there was illegal mining in the Ichak Police Station. He also submits that there is no material on record or evidence collected by the respondent authorities which would go to show that it was the petitioner who was indulged in the illegal mining activities. He further submits that however the allegations are made that the petitioner was indulged in the illegal mining and, thereafter, the petitioner was show-caused as to why a legal action should not be taken against the petitioner on account of illegal mining by way of Annexure-2 of the petition. He then submits that the said show-cause notice was issued without any jurisdiction. He next submits that during the inspection, a measurement was taken by the Inspector of Mines and thereafter a chart was prepared showing the name of the petitioner at serial no.12, found that the petitioner was involved in illegal mining of minor minerals, contained in Annexure-3 of the petition. He also submits that all these have happened in absence of any material against the petitioner. In this background, Certificate Case No.8 of 2009-10 by making a requisition under the Bihar and Orissa Public Demand Recovery Act, 1914 has been initiated. He submits that

thereafter a notice under Section 7 of Bihar and Orissa Public Demand Recovery Act, 1914 was issued to the petitioner, wherein, the petitioner was directed to pay the amount mentioned in the notice. He further submits that thereafter the petitioner has filed objection petition under Section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914 by way of Annexure-5 of the petition. He submits that the Certificate Officer vide order dated 29.10.2010 has been pleased to issue proclamation and order of attachment of the property, contained in Annexure-6 of the petition. He submits that the petitioner has got no concern with the illegal mining. He then submits that thereafter the said order of proclamation and attachment of property passed by the Certificate Officer was challenged by the petitioner before this Court by filing W.P.(C) No.4228 of 2011, which was disposed of vide order dated 03.04.2013 with direction to the Certificate Officer to dispose of the review petition filed by the petitioner within four weeks, contained in Annexure-7 of the petition. He next submits that the petitioner has preferred review application under Section 63 of the Bihar and Orissa Public Demand Recovery Act, 1914 and by the impugned order dated 21.09.2013, the said review application has been dismissed by the Certificate Officer, contained in Annexure-8 of the petition. He also submits that the said review application has been wrongly dismissed and the facts mentioned in the said review application has not been correctly appreciated and in view of that, the impugned order may kindly be quashed.

6. Mr. Gaurang Jajodia, learned counsel appearing for the respondent-State submits that the Bihar and Orissa Public Demand Recovery Act, 1914 is a complete Code itself. He further submits that it provides a full and effective

machinery to a certificate-debtor and a petition denying liability under Section 9 thereof is also there, whereby, the applicant can agitate the matter before the Certificate Officer by way of filing objection petition and the said objection petition can be decided under Section 10 of the said Act. He next submits that the appeal of certificate case is statutory provision in light of Section 60 of the said Act. He submits that there are also provisions of revision and review under Sections 62 and 63 of the said Act respectively. He also submits that under Section 60(5) of the said Act, the appellate authority is also empowered to stay the execution of the certificate case during the pendency of the appeal. He submits that the petitioner is having statutory remedy of filing appeal, however, that has not been availed. He then submits that the allegations are there against the petitioner of involvement in illegal mining and that has already been decided vide order dated 07.08.2010 and, thereafter, the petitioner has filed review application and since the review application was pending, the petitioner has filed W.P.(C) No.4228 of 2011 before this Court, which has been disposed of vide order dated 03.04.2013 with direction to the Certificate Officer to dispose of the review application within four weeks and, thereafter the said review application has been dismissed by the Certificate Officer by elaborate order by giving his finding. On these grounds, he submits that there is no illegality in the impugned order and in view of that, this writ petition may kindly be dismissed.

7. In the impugned order dated 21.09.2013, the Certificate Officer has found that no fresh ground or fresh material has been placed before him to review the order. In the said impugned order, it has come that the counsel for the petitioner has appeared before the Certificate Officer and stated before

him that he has produced every document and he has nothing to say further and on the basis of materials in the review petition, the matter may kindly be disposed of. Thereafter, the Certificate Officer has discussed the facts as well as report and on the basis of materials available on record, he has found that there was no fresh ground and there was no error apparent on the record and, thereafter, the Settlement Officer has been pleased to dismiss the review petition.

8. It appears that the order dated 07.08.2010 passed by the Settlement Officer is also a reasoned order. The Settlement Officer has found that the license was there in the name of the wife of the petitioner and the petitioner was indulged in illegal mining. A chart was prepared after measurement by the Inspector of Mines, in which the name of the petitioner was also found at serial no.12 along with others and the allegations are made of indulging in illegal mining.

9. The Settlement Officer has passed both the orders giving cogent reason. The petitioner has not been able to demonstrate his case before this Court also by way of producing any document to suggest that he was not indulged in illegal mining. Further, the petitioner is having alternative remedy and in spite of that, he has invoked writ petition.

10. In view of the above facts, reasons and analysis, this writ petition is, hereby, dismissed.

(Sanjay Kumar Dwivedi, J.)

Dated: 5th October, 2026
Ajay/

Uploaded on
6th October, 2026