

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16790 of 2015

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Bijay Kumar alias Bijay Kumar Yadav S/o Shri Kameshwar Yadav,
resident of village- Mahadev Nagar, P.S.- Sheikhpura in the District of
Sheikhpura

.... Petitioner

Versus

1. The State of Bihar through the Commissioner cum Secretary, Department
of Mines, Government of Bihar, Vikash Bhawan, P.S.- Sachivalaya, Patna
2. The Collector cum Auction Officer, Sheikhpura
3. Assistant Mining Officer, Sheikhpura
4. Mines Commissioner, Government of Bihar, Patna Office situated in
Vikash Bhawan, P.S.- Sachivalaya, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Sinha, Adv.
For the Respondent/s : Mr. AC to AAG-2
Mr. Rajendra Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 30-10-2015 Heard Sri Subodh Kumar Sinha, learned counsel for

the petitioner, learned AC to AAG-2 and Sri Rajendra Prasad,

learned counsel, who has appeared on behalf of Respondent/

Mines and Geology Department.

The petitioner, invoking writ jurisdiction of this Court
under Article 226 of the Constitution of India, has prayed for
quashing of an order dated 22.05.2014 passed by the District
Magistrate, Sheikhpura, which was communicated to the petitioner
vide letter no.533 dated 26.05.2014 issued by the Mining Officer,
Sheikhpura. The petitioner has also prayed for quashing of order
dated 15.05.2015 passed by the Mines Commissioner, whereby he

has rejected the Revision Case no.24/14, which was preferred by the petitioner against the order of the District Magistrate, Sheikhpura.

Learned counsel for the petitioner submits that the petitioner was granted mining lease for an area of one acre, which was for a period of five years. According to him, the period of lease was to expire on 18.02.2015, however behind his back an inspection was conducted in the area, which was leased out to the petitioner, and illegally his mining lease has been cancelled by the learned Collector vide its order dated 22.05.2015, which was communicated to the petitioner vide letter no.533 dated 26.05.2015. On the aforesaid ground, he has made a prayer for quashing of the impugned orders.

Sri Rajendra Prasad, learned counsel for the Respondents/ Mines and Geology Department has opposed the prayer of the petitioner. He submits that it is true that the mining lease for an area of one acre was let out to the petitioner, but on inspection it was found that by way of removing demarcation, the petitioner had exceeded to a wider area and he was extracting stones from the area, which was not even allotted to the petitioner. He further submits that even before the revisional authority, the fact that mining was being done beyond the demarcated area has

already been accepted. However, an unsustainable plea was taken that it was done due to ignorance of the workers. It is also evident that for exceeding the area and extracting much mining minerals, a loss was assessed, which was for an amount of Rs.15,07,525/- however subsequently the said amount was reduced to Rs.10.94 Lacs.

In view of facts and circumstances, particularly the fact accepted by the petitioner that mining was conducted much beyond the area, I do not find any defect in either of the orders.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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