

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8998 of 2014

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M/s Jay Ambey Stone Works through Prop. Ram Ratan Kumar, S/o Sri Lal Dhari Prasad, R/o Village- Dalhatta, P.O.- Munger, P.S.- Kotwali, District- Munger

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Patna
3. The District Magistrate, Munger
4. The Assistant Mining Officer, Munger
5. The Mineral Development Officer, Munger

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha
For the Respondent/s : AC to A.A.G.2
Mr. Rajendra Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 07-09-2015 Heard Sri Manoj Kumar Sinha, learned counsel for the petitioner, learned A.C. to Addl. Advocate General – 2 as well as Sri Rajendra Prasad, learned counsel who has appeared on behalf of respondent/Mines & Geology Department.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of Memo No. 1135/M dated 14-03-2014 passed in Revision Case No. 28 of 2011 by the Principal Secretary, Mines & Geology Deptt., Govt. on Bihar. By the said order, he has confirmed the order of the District Magistrate, Munger, issued vide Memo No. 1017 dated 14-06-2011, whereby he cancelled the

mining licence and directed to close the crusher till recovery of all the dues.

Short fact of the case is that the proprietorship firm namely M/s Jay Ambey Stone Works was granted licence for stockiest of stone for crusher. The licence was granted for twenty years in the year 2004 with clear stipulation that the lease amount was to be deposited in seven installments. It was made clear that if any installment is not paid up-to six months, the same can be paid with 24% simple interest and if even thereafter it is not deposited, the licence shall stand cancelled. The licence was granted, vide **Annexure – 3** to the writ petition. It is admitted case of the petitioner that after grant of licence, four installments were deposited by the petitioner, however; since 2008, installment was not paid and three installments remained unpaid. Thereafter, notices were issued. Despite the fact that deposit was not made by the petitioner and similar other thirteen licensees, the learned Collector, by order contained in **Annexure – 7**, cancelled the licence. The said order was issue on 14-06-2011.

Learned counsel for the petitioner submits that due to some family problem, the remaining installments were not paid. Learned counsel for the petitioner submits that the petitioner is ready to give an undertaking to deposit the same, if licence is

revised.

In this case, a counter affidavit has been filed on behalf of respondent no. 3 to 5 and in paragraph – 9 of the counter affidavit, a specific stand has been taken that earlier licence was granted on an application submitted by one Sri Umesh Kumar, proprietor of M/s Jay Ambey Stone Works and thereafter, licence was granted in the name of M/s Jay Ambey Stone Works. It has been indicated that the petitioner, through proprietor Ram Ratan Kumar was never granted licence. Moreover, it has also been indicated that even after non-deposit of the installments, the firm was pursuing with the business and as such, steps have been taken by the department to recover the amount, by way of filing certificate proceeding, after cancelling the licence.

In view of the aforesaid fact, particularly; a specific condition mentioned in the licence itself, which has been violated by the firm, there is no reason to pass any positive order in favour of the petitioner.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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