

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1722 of 2015

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Satendra Narayan Singh, son of Sri Shravan Kumar Singh, resident of
Village + Post - Darauli, P.S. - Darauli, District - Siwan.

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Siwan.
2. The District Magistrate, Siwan.
3. The Mines Commissioner cum Principal Secretary, Department of Mines and Geology, State of Bihar.
4. The Director, Department of Mines and Geology, State of Bihar.
5. The District Mines Officer, Siwan.
6. The Competent Officer cum Mines Inspector, Siwan.
7. The Certificate Officer, Siwan.
8. Mr. Arjun Prasad, the then Mines Inspector, District Mines Office, Siwan, presently posted as Mines Inspector, District Mines Office, Chapra
9. Mr. Dilip Kumar, Clerk, District Mines Office, Siwan

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

14 05-09-2016 Heard learned counsel for the petitioner, learned counsel
for the State and learned Special P.P.(Mines).

The petitioner seeks quashing of the entire Certificate
Case No. 36 of 2012-13 and the notice dated 15.7.2014 for
Rs.12,58,053/- issued therein.

The case of the petitioner is that on 6.8.2012 the
Competent Officer-cum-Mines Inspector, Siwan published a short
term tender notice for settlement of Baloo Ghat of Siwan for rest
period of year 2012 on the basis of daily basis royalty. The
petitioner claims to have made an offer of Rs.6,120/- per day
claiming that the royalty was fixed for the said sum of Rs.6,120/-.



He further claims to have not started mining activities because of obstruction from illegal mining being carried out in the area and for other reasons for which he claims to have entered into correspondence with the respondents but to no avail. Finally on 7.9.2012 the petitioner by a written representation to the Competent Officer-cum-Mines Inspector, Siwan surrendered his mining lease, in which it was stated that he had entered into mining lease on a fixed royalty of Rs.6,120/- per day but the Competent Officer-cum-Mines Inspector, Siwan is compelling him to pay royalty of Rs.9,320/- per day in violation of the terms and conditions of the mining lease. Ultimately a certificate proceeding was initiated against the petitioner.

The stand of the respondents is that during the course of bidding process the petitioner agreed to enhance his offer at the rate of Rs.9,320/- per day as the District Magistrate, Siwan was not agreeable to the initial offer of the petitioner at the rate of Rs. 6,120/- per day and upon the acceptance of the enhanced offer made by the petitioner at the rate of Rs.9,320/- the same was recorded in the note sheet on 16.8.2012 on which the petitioner put his signature.

The petitioner has tried to show that he had made a deposit in advance of Rs.1,83,600/- at the rate of bid amount of



Rs.6,120/- per day by Bank Draft. The respondents contend that the same is absolutely without any basis as the Bank Draft was dated 14.8.2012, whereas the bid was opened on 16.8.2012 and thus there could be no occasion for its acceptance two days prior to the said bid and the petitioner is merely trying to make out a false case.

Before this Court a strong stand was taken by the petitioner that on the bid sheet the second signature in the middle column under the heading “Awadhi” is not his, rather the same is an interpolation and forgery by the respondents and the petitioner had not put any such signature. Upon the said stand learned Special P.P.(Mines) was directed to produce before this Court the original bid sheet so that the two signatures on the said bid sheet may be examined by the Hand Writing Expert as to whether they were of the same person or not and the original bid sheet was marked as Ext.-1 and sent to the Forensic Science Laboratory, Patna for report. The said report has been received under letter dated 23.8.2016 of the Police laboratory, C.I.D., Bihar in a sealed cover and on the direction of this Court the sealed cover was opened and it was found that the opinion is that signature with date in Deonagri script enclosed with red lines, stamped and marked –‘A’ and signature with date in Deonagri script similarly



enclosed, stamped and marked –‘B’ are written by one and the same person.

In view of the aforesaid clear position it is evident that the stand of the petitioner that the second signature on the bid sheet purportedly of the petitioner is forged and manipulated by the respondent appears to be a completely false plea taken for the purpose of the case.

In the aforesaid circumstances, this Court does not find any merit in the writ petition. From the materials on the record and the bid sheet, etc. that has been brought on the record, it is evident that the petitioner had ultimately agreed to the said daily royalty at the rate of Rs.9,320/- per day and subsequently has tried to wriggle out of the said offer.

The writ application being devoid of merit is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

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