

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1398 of 2015

IN

Civil Writ Jurisdiction Case No. 22215 of 2011

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Krishna Kanhiya Stone Works, a Proprietorship Firm having its place of business at Mouza- Rampurkala, P.S. - Naya Ram Nagar, District Munger through its Proprietor, Manish Kumar S/O Late Sunder Singh, Resident of Vill. & P.O. Itahari, P.S. : Naya Ramnagar, District Munger

.... Petitioner / Appellant

Versus

1. The State of Bihar through the Principal Secretary -Cum - Mines Commissioner, Department of Mines & Zeology, Government of Bihar, Vikash Bhawan, Bailey Road, Patna
2. The District Magistrate-cum-Collector, District- Munger
3. The Certificate Officer - Cum - Dy. Director, Department of Mines & Geology, Munger Circle, Munger
4. The Mineral Development Officer, District Mining Office, Munger
5. The Assistant Mining Officer, District Mining Office, Munger

.... Respondents / Respondents.

with

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Letters Patent Appeal No. 1399 of 2015

IN

Civil Writ Jurisdiction Case No. 22152 of 2011

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Prahalad Stone Works, a Proprietorship Firm having its place of business at Munger through its Proprietor, Sanjay Kumar Singh S/O Late Suresh Prasad Singh, Resident of Vill . & P.O. - Itahari, P.S. : Naya Ramnagar, District - Munger

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary -Cum - Mines Commissioner, Department of Mines & Zeology, Government of Bihar, Vikash Bhawan, Bailey Road, Patna
2. The District Magistrate -cum - Collector, District - Munger
3. The Certificate Officer - Cum - Dy. Director, Department of Mines & Geology, Munger Circle, Munger
4. The Mineral Development Officer, District Mining Office, Munger
5. The Assistant Mining Officer, District Mining Office, Munger

.... Respondents

with

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Letters Patent Appeal No. 1415 of 2015

IN

Civil Writ Jurisdiction Case No. 22363 of 2011

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Gopal Stone Works, a Proprietorship Firm having its place of business at Munger through its Proprietor, Anand Kumar, S/o Late Suresh Prasad Singh, Resident of Vill. & P.O. - Itahari, P.S. - Naya Ramnagar, District - Munger.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary - cum - Mines Commissioner,



Department of Mines & Geology, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.

2. The District Magistrate - cum - Collector, District - Munger.

3. The Certificate Officer - cum - Dy. Director, Department of Mines & Geology, Munger Circle, Munger.

4. The Mineral Development Officer, District - Mining Office, Munger.

5. The Assistant Mining Officer, District Mining Office, Munger.

.... Respondents

Appearance:

(In LPA No. 1398, 1399 & 1415 of 2015)

For the Appellant/s : Mr. Arun Kumar and

Mr. Ram Vinay Pd. Singh @ Sanjay, Advocate

For the Respondent/s : Mr. Rajendra Prasad, Spl. P.P. (Mines).

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 30-08-2017

Heard learned counsel for the appellants and learned Spl.

P.P. for Mines.

2. Perused the order under challenge passed by the learned

Single Judge dated 24.03.2015.

3. The failure on the part of these lessees in depositing the license fees as well as the dishonesty of their conduct is writ large from a reading of the narration of the order under challenge. The Court, therefore, not only dismissed the Writ Applications but also gave liberty to these appellants to take their litigation now before the Certificate Officer where certificate proceedings have been initiated for recovery of governmental dues.

4. The heart-rending stories which has been narrated by the counsel for the appellants as the reason for non-payment and



compliance does not move this Court in any manner because the obligation created under the terms of the lease and the duty cast upon the lessees to pay the dues of the State, which they have failed all along cannot in any manner be diluted or interfered with. The situation of these appellants is their own creation and they have adequate opportunity to satisfy the Certificate Officer in the proceedings which are pending for a while now.

5. The cancellation of the license of the appellants was ordained because of their own failure and no interference, therefore, is required in the order of the learned Single Judge in refusing to interfere with the said cancellation orders, which was affirmed even in revision.

6. The appellants can very well argue their case before the Certificate Officer. The Certificate Officer, Munger would be well advised to expedite the cases on priority which has been pending before him for a while now.

7. Appeals have no merits. They are dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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