

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19839 of 2018

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M/S Mahadev Enclave Private Limited, A registered company having its registered Office At B - 37, Ayodhya Marg, Hanuman Nagar, Jaipur, Rajasthan Through one of Its Directors, namely Kartik Rathi s/o Shri Ajay Rathi/ R/o 3-B 22 23 Shukhadia Nagar, Sri Ganganagar (Rajasthan)

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary-cum-Commissioner, Department of Mines and Geology, Govt. of Bihar, Patna
2. The Principal Secretary-cum-Commissioner, Department Of Mines and Geology, Govt. of Bihar, Patna
3. The District Magistrate - Cum - Collector, Gaya.
4. The Assistant Director of Mines, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Adv. Mr. Alok Kumar Jha, Adv.
For the Respondent/s	:	Mr. Gyan Prakash Ojha, G.A.-7.
For the Mines Deptt.	:	Mr. Naresh Dixit, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 02-11-2018

Heard the parties.

2. The short prayer made on behalf of the petitioner is that by the impugned order dated 18.09.2018, passed by the Assistant Director, Mines and Mineral Department, Gaya, a demand of approximately Rs.25 crores has been raised without considering the show cause reply submitted by the petitioner herein as is apparent from the impugned order itself, hence the impugned order is fit to be set aside. In the alternative, the petitioner prays that it be permitted to approach the Mines and Minerals Department for adjudication of his revision petition, if filed subsequently.



3. Learned Special P.P. appearing for the Mines Department submits that he has no objection in case the matter is adjudicated by the Mines Commissioner.

4. Having considered the rival submissions, this Court is of the view that the order dated 18.09.2018 is wholly unreasoned and does not even consider the basic facts, muchless the reply submitted by the petitioner, hence it would be appropriate to refer the matter to the Mines Commissioner for proper adjudication, for which the petitioner is granted liberty to file a detailed revision petition against the impugned order dated 18.09.2018, annexing all document, within a period of six weeks from today, whereupon the Mines Commissioner shall decide the revision of the petitioner, after granting an opportunity of hearing to the parties, by a reasoned and speaking order in accordance with law. It is further directed that till the final decision is taken by the Mines Commissioner, the impugned demand of Rs.25 crores shall be kept in abeyance. It is clarified that in case the aforesaid revision petition is not filed within a period of six weeks from today, the impugned demand shall become recoverable immediately.

5. With the aforesaid observation and direction, this writ petition stands disposed of.

(Mohit Kumar Shah, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12/11/2018
Transmission Date	NA

