

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19072 of 2017

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Westlink Trading Private Limited, A Company registered under the Companies Act, 1956 having its Registered office at D- 504, Building No. 27, Sunshine Co-Op HSG SOC Ltd., Mahada Colony Chandivali, Mumbai- 400072 having its branch office at Mohalla Kailashpuri, P.O. + P.S.- Banda, District Banda, Uttar Pradesh and Local Office at Ist Floor, Shivam Apartment, Anandpuri, West Boring Canal Road- 800001 through its Director Abhishek Kumar Singh, S/o Devendra Mohan Singh, Resident of Ist Floor, Shivam Apartment, Anandpuri, West Boring Canal Road- 800001.

.... Petitioners

Versus

1. The State of Bihar through the Commissioner-cum-Principal Secretary, Department of Mines and Geology, Vikas Bhawan, Bailey Road, Patna- 800001.
2. The Principal Secretary, Department of Mines and Geology, Vikas Bhawan, Bailey Road, Patna- 800001.
3. The Joint Secretary-cum-Director, Directorate of Mines and Geology, Vikas Bhawan, Bailey Road.
4. The Under Secretary, Department of Mines and Geology, Vikas Bhawan, Bailey Road.
5. The Collector, Gaya, District- Gaya.
6. The Assistant Director, Department of Mines and Geology, Gaya.

.... Respondents

with

Civil Writ Jurisdiction Case No. 19198 of 2017

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M/s Jai Mata Di Enterprises, through its Sole Proprietor , Shri Gopal Prasad Son of late Mani Lal Resident of Hanuman Complex, Main Road, Nawada, P.S. Nawada, District Nawada- 805110

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Nawada.
4. The Assistant Director (Mines), Nawada.
5. The Mining Officer, Nawada.

.... Respondents

with

Civil Writ Jurisdiction Case No. 19407 of 2017

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M/s. Mahadev Enclave Pvt. Ltd. a registered company having its registered office at B - 37, Ayodhya Marg, Hanuman Nagar, Jaipur, Rajasthan through its authorized representative Dalip Singh S/o Late Ram Singh resident of Village & P.O. Deenwa Ladkhani District - Sikar (Rajasthan).



.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Cum Commissioner, Department of Mines & Geology, Govt. of Bihar, Patna.
2. The Principal Secretary Cum Commissioner, Department of Mines & Geology, Govt. of Bihar, Patna.
3. The District Magistrate Cum Collector, Banka.
4. The Mines Inspector Cum Competent Authority, Banka.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 207 of 2018

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M/s. Mahadev Enclave Pvt. Ltd. a registered company having its registered office at B - 37, Ayodhya Marg, Hanuman Nagar, Jaipur, Rajasthan through its authorized representative Dalip Singh S/o Late Ram Singh resident of Village & P.O. Deenwa Ladkhani District - Sikar (Rajasthan).

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Cum Commissioner, Department of Mines & Geology, Govt. of Bihar, Patna.
2. The Principal Secretary Cum Commissioner, Department of Mines & Geology, Govt. of Bihar, Patna.
3. The District Magistrate Cum Collector, Nalanda.
4. The Assistant Director Mines, Nalanda.

.... Respondents

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Appearance :

(In CWJC No.19072 of 2017)

For the Petitioner/s : Mr. Mrigank Mauli, Adv.

Mr. Prince Kumar Mishra, Adv.

For the Respondent/s : Mr. Naresh Dikshit, Adv.

For the State : Mr. Sanjeet Kr. Singh, AC to AAG-6

(In CWJC No.19198 of 2017)

For the Petitioner/s : Mr. Satyabir Bharti, Adv.

Mr. Alok Chandra, Adv.

For the Respondent/s : Mr. Naresh Dikshit, Adv.

Mr. B.B.Tiwari, Adv.

For the State : Mr. Sanjeet Kr. Singh, AC to AAG-6

(In CWJC No.19407 of 2017)

For the Petitioner/s : Mr. Vinod Kumar Kanth, Sr.Adv.

Mr. Gautam Kumar Kejriwal, Adv.

For the Respondent/s : Mr. Naresh Dikshit, Adv.

Mr. B.B.Tiwari, Adv.

For the State : Mr. Sanjeet Kr. Singh, AC to AAG-6

(In CWJC No.207 of 2018)

For the Petitioner/s : Mr. Vinod Kumar Kanth, Sr.Adv.

Mr. Gautam Kumar Kejriwal, Adv.

For the Respondent/s : Mr. Naresh Dikshit, Adv.

Mr. B.B.Tiwari, Adv.

For the State : Mr. Sanjeet Kr. Singh, AC to AAG-6



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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 29-03-2018

This batch of writ petitions were filed feeling aggrieved by the regular impediments created by the respondent Department in the settlement made with the petitioners in some form or the other. The present set of cases revolve around non-issuance of 'E' Challan by the concerned respondents. This Court taking note of the grievance so raised by the petitioners, vide order passed on 22.12.2017, while restraining the Department from taking any coercive steps against them, also observed that the pendency would not preclude the concerned respondents from issuance of the 'E' Challan in accordance with law.

Despite the order of this Court the 'E' Challans were not restored, on the contrary, the authorities vested with such jurisdiction i.e. the District Mining Officer in some of the cases went ahead to block the very portal of the petitioners which facilitated such issuance. It is taking note of the action of the District Mining Officer concerned that this Court vide order passed on 8.3.2018 while reminding them of the obligation cast under the order of this Court passed on 22.12.2017, afforded time to correct themselves failing which they were directed to be present on 12.3.2018 at 10.30 A.M..

When this matter was next taken up on 12.3.2018, it was



informed by Mr. Naresh Dikshit, learned counsel appearing for the Mining Department that the facility of issuance of 'E' Challan has been restored for the petitioners and thus no grievance subsists for the present. With apprehension of future disturbances of similar kind expressed by learned counsel for the petitioners that the matter after being adjourned from one date to another, is listed today for final hearing and disposal at admission stage.

When this matter is taken up today while Mr. Vinod Kumar Kanth, learned Senior Counsel appears for the petitioners alongwith Mr. Gautam Kumar Kejriwal in C.W.J.C.Nos. 19407/2017 and 207/2018, Mr. Mrigank Mauli, learned counsel appears for the petitioner in C.W.J.C.No. 19072/2017 and Mr. Satyabir Bharti, learned counsel appearing for the petitioner in C.W.J.C.No. 19198/2017. Learned counsel for the State in the respective cases are present and Mr. Naresh Dikshit, learned counsel appears for the Mining Department in all the cases.

It is argued by the learned counsel for the petitioners that even though the 'E' Challans were restored but as apprehended, the petitioners have again been subjected to another round proceeding by service of show cause leading to suspension of the agreement(s). They also, however agree that these orders of suspension have been questioned by them in independent writ petitions and where the right



of the Department to create such regular impediments has also been put to question in the backdrop of the statutory prescriptions underlying the Mines and Minerals Regulation Act, 1957 and the various statutory rules including the Bihar Mines Minerals Concession Rules, 1972, Bihar Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003, etc. framed thereunder, as well as in the light of the order(s) passed by the Division Bench in C.W.J.C.No. 15965/2017 (**Puspa Singh & anr. V. the State of Bihar & ors.**). Mr. Kanth, thus, in the changed circumstances where issuance of 'E' Challan has been restored to the petitioners and the subsequent action of the Department has been questioned by the respective writ petitioners in an independent writ petition which is being heard by the Regular Bench holding roster for such matter, while agreeing to disposal of the present matters, prays for liberty to raise all issues which are connected with such alleged impediments by the Department in the independent writ petition, as raised herein, including the denial of the privilege granted under the agreements for prolonged period(s).

Although on principle Mr. Dikshit, appearing for the department, stands up to object to the liberty prayed but considering that these matters had been transferred to this Court primarily in view of the order passed on 22.12.2017, which inter alia revolved around



the impugned action of the respondents in obstructing the issuance of ‘E’ Challans, the objections so raised are only taken for rejection.

The writ petitions are, accordingly, disposed of with the liberty to the petitioners to raise all issues as raised herein in the writ petitions which yet remain pending.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2018
Transmission Date	NA

