

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23165 of 2013

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M/S Mahadev Enclave Private Limited, A Company Incorporated Under The Provisions Of The Indian Companies Act, 1956, Having Its Registered Office At B - 37, Ayodhya Marg, Hanuman Nagar, Jaipur, Rajasthan Through Its Authorized Representative Rajvant Singh Son Of Shri Chetan Singh R/O B - 37, Ayodhya Marg, Hanuman Nagar, Jaipur (Rajasthan)

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Mines And Geology, New Secretariat, Bailey Road, Patna
2. The District Magistrate - Cum - Collector, Banka
3. The Mines Development Officer, Banka
4. The Mines Inspector - Cum - Competent Authority, Banka

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Atal Bihari Pandey, Adv.
Mr. Gautam Khejriwal, Adv.
Mr. Alok Kr. Jha, Adv.

For the Respondent/s : Mr. Naresh Deleshit, Spl. P.P. Mines.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 02-11-2018

Heard the parties.

2. The present writ petition has been filed for quashing the order dated 19.10.2013 passed by Mines Development Officer, Banka whereby and whereunder a demand of Rs.14.70 lakhs has been raised on the allegation of the petitioner having indulged in malpractices in connection with the license granted to him for lifting sand.

3. The learned counsel for the petitioner has primarily challenged the impugned order dated 19.10.2013 on the ground that no show cause notice has been given to the petitioner so that it could



have putforth its defence, hence the entire impugned demand is liable to be quashed.

4. Per contra, learned Special P.P. appearing for the Mines Department has submitted that Section 45 of the Bihar Mines and Minerals Concessions Rule, 1972 provides for filing a revision against the order passed by the Mines Development Officer, Banka, hence, the petitioner be directed to file a revision petition.

5. Having considered the facts and circumstances of the case, I deem it fit and proper to relegate the petition to the alternative remedy available under the law, hence the petitioner is granted liberty to file a revision petition before the Mines Commissioner within a period of six weeks from today, which is directed to be disposed of by the Mines Commissioner expeditiously. It is further directed that till the passing of the final order by the Mines Commissioner, the impugned demand shall remain stayed.

6. It is made clear that in case the revision petition is not filed within a period of six weeks from today or in case the petitioner does not file his response to the additional materials, to be supplied to it by the Mines Commissioner within the prescribed time frame, the demand would become realizable immediately.

7. It is needless to indicate that immediately upon a revision being preferred by the petitioner, the Mines Commissioner shall



provide a copy of the complaint and enquiry report to the petitioner within 2 weeks and thereafter, the petitioner shall file its response to the same within four weeks.

8. 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	26/11/2018
Transmission Date	NA

