

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8691 of 2019

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Aditya Global, Bakhtiyarpur, Patna through its Proprietor Manoj Kumar Singh, Son of Shri Rana Krishna Singh, Resident of New Bypass, Bakhtiyarpur, P.O. Bakhtiyarpur, P.S.- Bakhtiyarpur, District- Patna, at Present residing at C/44, Police Colony, Anisabad, Town- Patna, P.S. Gardanibagh, P.O. Anisabad, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Mines and Geology Development Department, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
3. The Mineral Development Officer, Bhagalpur, P.O. Bhagalpur, District- Bhagalpur.
4. The Divisional Railway Manager Maldah Division, Eastern Railway, Maldah(W.B).
5. The Divisional Commercial Manager, Maldah Division, Eastern Railway, Maldah, District- Maldah(W.B.).
6. The Station Superintendent, Pirpainti, Railway Station, Pirpainti, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ratna Deep Prasad, Advocate.
For the Mines	:	Mr. Naresh Dikshit, Spl. P.P. (Mines)
		Mr. Brij Bihari Tiwary, Advocate.
For the Railway	:	Mr. Ramadhar Shekhar, Advocate.
For the State	:	Mr. Shyam Prakash Ojha, G.A.-7
		Mr. Gopal Krishna, A.C. to G.A.-7.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 22-04-2019

1. This writ petition has been filed for issuance of a writ in the nature of Mandamus directing the Respondents to renew L-Licence from the District Mineral Development Office, Bhagalpur, for the purpose of loading stone chips from Pirpainti Railway Station and further to direct the Respondents No. 4 and 5 to allow the petitioner for loading of stone chips from Pirpainti



Railway Station as renewal fee for issuance of L-Licence has already been deposited by the petitioner within time.

2. Heard Mr. Ratna Deep Prasad, counsel for the petitioner, Mr. Naresh Dixit, counsel for the Mines Department, Mr. Ramadhar Shekhar, counsel for the Railway and Mr. Shyam Prakash Ojha, G.A.-7 counsel appearing on behalf of the State.

3. Counsel for the petitioner submits that petitioner is Proprietary firm represented through its Proprietor Manoj Kumar Singh. Petitioner was carrying on business of storage and loading of stone chips in Railway Goods Shed at Pirpainti Railway Station, for which, the petitioner has been granted L-Licence bearing No. 25/2017 dated 15.9.2017 by the District Mineral Officer, Bhagalpur. The aforesaid licence had expired on 31.12.2017. Prior to the expiry of the aforesaid licence, the petitioner has deposited renewal fee of Rs.1,000/- through Bank Draft bearing No. 830531 dated 30.12.2017 issued by Punjab National Bank, Pirpainti, along with application dated 30.2.2017 for renewal of his licence, but the same was neither renewed nor any information was given, as a result of which, no indent was issued by the Railway Authority for loading of stone chips. The Bank Draft issued by the Punjab National Bank, Pirpainti, on 30.12.2017, had lapsed on 27.3.2018. Thereafter, petitioner again



deposited Rs.1,000/- through Bank Draft No. 828977 dated 17.4.2018 issued by Indian Bank, Sabour Branch, in the office of Respondent No. 3 along with letter dated 18.4.2018. Petitioner again submitted Demand Draft of Rs.1,000/- on 24.12.2018 issued by Dena Bank, for renewal of the licence for the year 2019 along with letter dated 5.1.2019 in the office of the Mineral Development Officer, Bhagalpur.

4. Counsel for the petitioner submits that in spite of repeated representations and deposition of requisite fee several times, the renewal of licence of the petitioner has not been made. The petitioner has filed representation before the Mines and Minerals Department, Government of Bihar, Patna, requesting to look into the matter and issue direction for renewal of licence, but the same is pending and no order has been passed. The Respondents have not taken any action in-spite of repeated representations of the petitioner and deposition of requisite fee for renewal of licence.

5. Counsel for the State submits that Respondents No. 2 will dispose of representation of the petitioner at the earliest.

6. In view of such, this writ petition is disposed of with direction to Respondent No. 2 i.e. the Principal Secretary, Mines and Geology Development Department, Government of Bihar,



Patna, to dispose of the representation filed by the petitioner dated 5.1.2018, after giving proper opportunity of hearing to petitioner and looking into relevant documents, within a period of four weeks from the date of receipt/production of a copy of this order. The Respondent No. 2 will pass speaking order in the matter after giving proper opportunity of hearing to the petitioner.

7. The petitioner will be at liberty to move this Court for appropriate order in the event his representation is not considered/disposed of by the Respondent No. 2 within a period of four weeks as ordered above by this Court.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02/05/2019
Transmission Date	N.A.

