

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9821 of 2019

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Broad Son Commodities Pvt. Ltd., a Company incorporated under the provisions of the Companies Act, 1956, having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Cowk, P.S. Koilwar, District Ara (Bhojpur), through its Director Punj Kumar Singh, son of Ram Ballabh Prasad Singh, resident of Near Suraksha Clinic, Hetli Band, Jharia, Amtal, Amtal Dhanbad, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Assistant Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The District Magistrate Cum Collector, Bhojpur.
5. The Mines Inspector, District Mines Office, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA-7
		Mr. Naresh Dikshit, Spl. PP, Mines

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 30-04-2019

The petitioner is aggrieved by the order issued by the Assistant Director, District Mines Office, Bhojpur, vide Memo No.490 dated 06.02.2019, as contained in Annexure-7, by which he has asked the petitioner to issue Challan of only 2500 vehicles per day for lifting of sand as per resolution dated 29.01.2019 taken in the meeting held under the Chairmanship of District Magistrate, Bhojpur.

The specific statement has been made, in detail, in para 26 and 27 of the writ petition about the loss suffered by petitioner due



to aforesaid restriction imposed by the government. The petitioner is suffering loss of approximately rupees forty lac per day although he has paid royalty for the entire period as required by him to be paid as per bid amount. He has further submitted that the State cannot be allowed to enrich itself at the cost of the petitioner. The petitioner cannot be made to suffer loss at the hands of the State due to such arbitrary order passed by the Assistant Director, Mines Office, Bhojpur. He has further submitted that aforesaid order has been passed without giving opportunity of hearing to the petitioner, which is against the interest of the petitioner. He has further submitted that he has filed objection to the aforesaid order issued by the Assistant Director, Mines Office, Bhojpur, before the District Magistrate, Bhojpur, as contained in Annexure-9 giving, in detail, the objection and also the facts and figures, which would show that petitioner will suffer huge loss due to such decision, but no order has been passed by the Collector on the aforesaid objection.

This Court after perusing Annexure-7 finds that before passing aforesaid order restricting the Challans to only 2500 vehicle per day, the petitioner was not given opportunity of hearing. The order has been passed against the interest of the petitioner without hearing him which is in violation of principles of natural justice. The petitioner has given, in detail, in para 26 and



27 of writ application that on account of such decision he is suffering huge monetary loss per day approximately to the tune of rupees forty lac although he has paid royalty for the entire period. The State is getting enriched through its illegal order.

This Court under such circumstances finds that the order of the Assistant Director, District Mines Office, Bhojpur, issued vide Memo No.490 dated 06.02.2019, as contained in Annexure-7, is not in accordance with law and the same is hereby set aside.

The petitioner will file representation before the Mines Commissioner, Bihar, enclosing all documents mentioning his grievance, in detail, along with earlier representation filed by him before the District Magistrate, as contained in Annexure-9, within a period of three weeks from the date of this order. The Mines Commissioner, Bihar, will pass speaking order within a period of two months from the date of filing of such representation by the petitioner after giving proper opportunity of hearing to him and looking into all the documents filed by him.

This writ application is, accordingly, allowed with the direction made above.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	07-05-2019
Transmission Date	N/A

