

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10989 of 2019

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Broad Son Commodities Private Limited, a company incorporated under the provisions of the Companies Act, 1956, having its registered office at Dr. Himanshu Complex, Block Road, Koilwar Chouk, P.S.- Koilwar, Distt.- Bhojpur (Ara), through its Director, Ashok Kumar, aged about 64 years (Male), Son of Ram Chandra Saw, resident of Vill./Mohalla- Pareo, P.S.- Bihta, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna
2. The Principal Secretary Mines & Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna
3. The Assistant Director, Department of Mines and Geology, Govt. of Bihar, Vikas Bhawan, Patna
4. The Licensing Authority-cum-Collector Bhojpur, Ara
5. The Mines Inspector District Mines Office, Bhojpur, Ara

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate Mr. Avinash Shekhar, 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 : 15-05-2019

Petitioner is aggrieved by the order of the Licensing Authority cum Collector, Bhojpur, Ara, as contained in Annexure- 9 by which he has directed the petitioner to transport the sand excavated from Kamaluchak and Mahui sand ghats through boats.

Counsel for the petitioner further submits that Rule 4 and 6 of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003, prescribes the manner in which minerals



will be transported. He submits that there is no provision for transporting minerals by boat under aforesaid Rules. He further submits that he has already paid royalty and it is very difficult to transport minerals by boats in terms of the order as contained in Annexure-9. In fact, it is not possible as water levels are not even in the entire river at all places.

Counsel for the State as well as Spl. PP, Mines, submit that all these facts can be properly taken note of by the Mines Commissioner, Bihar, and the petitioner may be directed to approach the Mines Commissioner, Bihar, for redressal of his grievance.

Under such circumstances, this writ application is disposed off with direction to the petitioner to file representation before the Mines Commissioner, Bihar, giving all details and difficulties which he is facing in the light of the order passed by the Collector, Bhojpur, as contained in Annexure-9.

The Mines Commissioner, Bihar, will pass appropriate order in accordance with law within a period of fifteen days of filing of such representation by the petitioner. The petitioner will file representation before the Mines Commissioner, Bihar, Patna, within a period of one week from the date of this order.



In the meantime, till the final decision is taken by the Mines Commissioner, Bihar, on the representation of the petitioner, operation of the order of the Licensing Authority cum Collector, Bhojpur, as contained in Annexure-9 shall remain stayed.

This writ application is, accordingly, disposed off.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16-05-2019
Transmission Date	N/A

