

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11033 of 2019

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M/s 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, District Bhojpur (Ara), through its Director, Ashok Kumar, aged about 64 years (male), son of Ram Chandra Saw, resident of Village/ Mohalla Pareo. P.S. Bihta, District Patna.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi
For the Respondent/s	:	Mr.Gyan Prakash Ojha (Ga7)
For Mines	:	Mr. Naresh Dixit, Spl PP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 16-05-2019

Heard learned counsel for petitioner and learned Spl. P. P.

for the Mines.

The petitioner has made prayer for issuance of an appropriate writ, order or direction in the nature of Mandamus commanding the respondent authorities and, in particular, the respondent no.4 and 5, for allowing the petitioner, to resume mining activity at Panechak Sand Ghat falling within village Bindaul, P.S. Bihta, District Patna, which has been stopped



orally. He has further made prayer for issuance of an appropriate writ, order or direction in the nature of Mandamus commanding the respondent authorities to refund the royalty equivalent to the quantum of sand which the petitioner Company has been precluded from winning from the Sand Ghat, namely, Panechak.

The Spl. P.P. Mines is present. He submits that there is no any order restraining the petitioner from doing the mining activity. The statement has been made in para 16 and 17 of the writ application that operation of the Sand Ghat has been stopped from 18.12.2018 and petitioner is not being permitted to do mining work by the respondent authorities on the ground that claim of compensation has not been paid by the petitioner. The petitioner has mentioned in para 16 of the writ application that sand can be transported by alternate road also without touching the land of the complainant claiming compensation. In support of which, he has filed a copy of the diagram which is annexed as Annexure-10 to the writ application.

Learned Spl. P.P. Mines submits that there is no any order passed by the Mining Department restraining the petitioner from doing the mining activity on the aforesaid Ghat. He further submits that petitioner can approach the Assistant Director, District Mining Office, Patna to use the alternate road as shown



in Annexure-10 to the writ application if he has already taken consent from the land owner.

In view of such, the writ application is disposed of with direction to the petitioner to file necessary representation before the Assistant Director, District Mining Office, Patna (respondent no.5) for appropriate order on the grievance which have been raised by the petitioner in this writ application before this Court within a period of two weeks from the date of this order. The representation filed by the petitioner will be disposed off by the Assistant Director, District Mining Officer, Patna within a period of three weeks from the date of filing such representation.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.5.2019
Transmission Date	N/A

