

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17958 of 2017

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M/s Starnet Marketing Pvt. Ltd. 110 Urmila Tower Bank More, Dhanbad, 82601, Branch office- behind B.S.N.L. exchange office Nizammudin Kako Road Jehanabad through its C.E.O., Sri Sada Shiv Prasad Singh son of Sri Mauleshwar Singh, resident of 301 B, SB residency, Raja Bazar, near Mangal Market, P.S.- Shastrinagar, town and District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Mines and Geology, Govt of Bihar, New Secretariat Patna.
2. Joint Secretary, Department of mines and Geology, Govt. of Bihar New Secretariat, Patna.
3. The Mines Commissioner, Department of Mines and Geology, govt. of Bihar, New Secretariat, Patna.
4. The Collector-cum-District Magistrate, Jehanabad.
5. The Competent Officer-cum-Mines Inspector, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi
For the Respondent/s	:	Mr. Kaushal Kumar Jha –AAG-8
For Mining	:	Mr. Naresh Dikshit, 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 Department.

A rejoinder to the counter affidavit has been filed on behalf of petitioner which may be taken on record.

The petitioner has made prayer for issuance of a writ in the nature of certiorari for quashing the order dated 5.10.2017



passed in Revision Case no. 8/2015 by the Revisional Authority, namely, Mines Commissioner, Bihar, Patna, whereby the revision application filed by the petitioner was dismissed upholding the order of learned Collector dated 18.6.2015 and the learned collector, Jehanabad was directed to proceed further for recovery of Rs. 2.18 crores by initiating certificate proceeding and/or criminal proceeding.

Learned counsel for petitioner has submitted that revisional order as contained in Annexure-1 was passed by respondent no.3 without affording opportunity of personal hearing to the petitioner and looking into all the relevant documents available with the petitioner. He further submits that revisional order has been passed ex parte without giving proper opportunity of hearing to the petitioner. Learned counsel for petitioner has drawn attention of this Court to Annexure-12 which is a document of the department itself, wherein, it has been mentioned that registration fee is not required to be paid. Learned counsel for petitioner submits that all these aspects have not been considered by the revisional Court and order has been passed without affording proper opportunity of hearing .

In such view of the matter, this Court set aside the order passed by the revisional Court dated 5.10.2017 as contained in



Annexure-1 and remand the matter back to Mines Commissioner to pass fresh order in accordance with law after affording proper opportunity of hearing to the petitioner and also looking into all the relevant documents filed on behalf of the petitioner within a period of two months from the date of receipt/production of copy of this order. The Mines Commissioner will pass speaking order after affording proper opportunity of hearing to the petitioner and looking into all the relevant documents produced by him.

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

(Sanjay Priya, J)

shyambihari/-

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

