

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7323 of 2020

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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, District Bhojpur (Ara), through its Director, Ashok Kumar aged about 65 Years (Male), Son of Ram Chandra Saw, resident of Village/mohalla-Pareo, P.S. Bihta, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Commissioner-Commissioner-Cum-Principal Secretary, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna 800001.
2. The Principal Secretary Cum Commissioner Mines, Department of Mines Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna-800001.
3. The Special Secretary Cum Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The ASSISTANT Director, Department of Mines and Geology, Saran. Chapra.
5. The District Magistrate-Cum-Collector, Saran, Chapra.
6. The Mines Inspector, District Mining Officer, Saran, Chapra.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi, Advocate
For the Mines Department: Mr. Naresh Dixit, Special PP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 10-09-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

The petitioner has approached this Court with a



grievance that generation of e-challans has been suspended/ blocked by respondent No. 6. It is his case that in view of such suspension of e-challans his business has been severely and adversely affected.

The Court had earlier granted time on 8.9.2020 so as to enable the learned Special PP Mines to ascertain whether respondent No. 6, the Mines Inspector in the District Mining Office Saran at Chapra, had any departmental instruction to suspend such generation of e-challans or whether he had authority to do so.

Today when the matter is taken up, learned Special PP Mines (Mr. Naresh Dixit) upon instruction submits that there is no such order of the Department to suspend generation of e-challans. It is his submission that the departmental officials are also taken by surprise of such action being taken by respondent No. 6 without any authority. It is further submitted that on coming to know of such development the Department is also contemplating action against respondent No. 6.

The order dated 22.7.2020 issued by the Mines Inspector, therefore, even as per submission of the learned Special PP Mines is without jurisdiction and without any authority.

In view of such admitted position regarding veracity of the impugned order, this Court would hold that the same cannot be relied upon by any authority to restrict/suspend generation of e-challans. This takes care of the grievance of the petitioner in so far as the order dated 22.7.2020 is concerned.

Learned Counsel for the petitioner however submits that he would be entitled to move the authorities for appropriate reparation on account of such illegal order having been issued



by respondent No. 6 adversely affecting his mining rights. It is also his submission that the same has also jeopardised financial interest of the State.

Without recording any finding on such submissions advanced by the petitioner's Counsel, this Court would observe that he would be at liberty to avail his remedies for such reparation in accordance with law.

Order dated 22.7.2020 issued by respondent No. 6 is hereby quashed.

The writ petition stands allowed with the aforesaid observation.

(Madhuresh Prasad, J)

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