

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5826 of 2021

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M/s Madhucon Projects Limited Having its Corporate Office at Road No. 36,
Hitesh City, Jubilee Hills, Hyderabad - 5000033, Telangana

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar, Patna
4. The Director Mines, Mines and Geology Department, Government of Bihar, Patna
5. The Mines Development Officer (Hqr), Mines and Geology Department, Government of Bihar, Patna
6. The District Magistrate cum Collector, Nawada, Bihar
7. The Assistant Director Mines, Nawada, Bihar
8. The Principal Secretary, Environment, Forest and Climate Change Department, Government of Bihar, Patna.
9. The State Environment Impact Assessment Authority, Bihar, 2nd Floor, Beltron, Baldev Bhawan Rd., Shastri Nagar, Patna, Bihar 800023

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr. Advocate
		Mr. Siddhartha Prasad, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA-7
For the Mines Department	:	Mr. Naresh Dikshit, Advocate
For Respondent No.9	:	Mr. Kumar Ravish, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

- i. For issuance of writ in the nature of



certiorari for quashing the letter no.3348 dated 23.12.2020 issued by respondent no.5 whereby and whereunder the request of the petitioner for extension of period of mining lease for stone dated 17.02.2016 ending on 16.02.2021 has been declined illegally and arbitrarily.

ii. For issuance of appropriate writ(s)/order(s) directions) for commanding the respondents to extend the period of mining lease for stone dated 17.02.2016 ending on 16.02.2021 by another 433 days because during the said period petitioner has been prevented/stopped from fulfilling and enjoying the terms and conditions of the lease because of certain actions/happenings which were beyond the control of the petitioner company and those happenings cannot be attributed to the petitioner company at all.”

Shri Naresh Dikshit, learned counsel for the Department of Mines states that the petitioner’s case does not fall within the scope of Clause 5 (Chapter-IX) of the agreement. Also neither the agreement nor the amended Rules contain any provision for extension of time of lease.

Clause 5 Part IX contains the General Provisions.

The impugned order dated 23rd of December, 2020



does not deal with two aspects urged before us; (a) the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 would have an effect of retrospective application; and (b) the petitioner's entitlement, if any, in terms of agreement dated 17.02.2016 entered into between the petitioner and the Department of Mines, Government of Bihar.

Applicability of the Clause of agreement and the Rules to the attending facts needs to be ascertained and dealt with firstly by the fact finding authority.

As such, on this short ground alone, we quash and set aside the impugned order dated 23rd of December, 2020 with a direction to the Respondent No. 5, namely, The Mines Development Officer (Hqr), Mines and Geology Department, Government of Bihar, Patna to pass a fresh order after awarding opportunity of personal hearing to all concerned, in accordance with law.

Parties are directed to appear before the said officer on 07.12.2021.

Liberty is reserved to the parties to place additional materials in support of their contention.

The authority concerned shall pass an order assigning



reasons within a period of four weeks thereafter.

All questions of fact and law left open.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	25.11.2021
Transmission Date	

