

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3883 of 2022

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Raj Kumar Singh, Raja Construction Pvt. Ltd. through its Managing Director, Raj Kumar, son of Prem Dhari Singh, Male, aged about 46 years, Resident of House No. A16, Bank of India Colony, Indrapuri, Raj Bazar, Rukanpura, B.V. College, Patna-800014. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
2. The Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
3. The Additional Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
4. The Sub Registrar, District Registry Office, Sheikhpura.
5. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
6. The Additional Secretary, Mines and Geology Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
7. The Assistant Director, Mines and Geology Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
8. The District Magistrate-cum- Collector, Sheikhpura.
9. The Mineral Development Officer, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr.Kunal Tiwary, Advocate
For the Respondent/s	:	Mr. Naresh Dixit, Advocate Mr.Gyan Prakash Ojha (G.A. 7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-04-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

1. (i) That the instant writ application is being filed for issuance of an appropriate writ/writs in the nature of certiorari for setting aside the order dated 23.02.2022 contained in Letter No. 202 of the Mining Development Officer (Respondent No. 9) whereby and where under the representation of

the petitioner dated 08.02.2022 submitted pursuant to the order of the Hon'ble Court dated 20.01.2022 passed in CWJC No. 20650/221 has been rejected in most mechanical manner by the Respondent No. 9 in direct violation of the directions given by the Hon'ble Court vide its earlier order dated 20.01.2022 and also without considering the points raised by the petitioner in his representation dated 08.02.2022.

(ii) For issuance of writ in the nature of mandamus directing and commanding the Respondent Authorities to accept the payment of 2nd Installment of the Royalty amount of Rs. 5,40,00,000/- (Rupees Five Crore Forty Lakh) in two equal installments as per the request of the petitioner made vide his representation dated 08.02.2022.

(iii) For issuance of writ in the nature of mandamus directing and commanding the Respondent Authorities for not to

charge interest for the delay in payment of 2nd Annual Installment as the delay is not attributable to the petitioner, rather the delay is on account of the inaction of the concerned Respondent Authorities.

- (iv) For issuance of an appropriate writ, order or direction in the nature of Mandamus commanding the respondents not to take any coercive steps against the petitioner for the delay in payment of 2nd Annual Installment.
- (v) For any other relief/reliefs for which the petitioner is entitled to.

Shri Mrigank Mauli, learned Senior counsel for the petitioner, inviting our attention to the order dated 20th of January, 2022 passed in C.W.J.C. No. 20650 of 2021 titled as Raj Kumar Singh Vs. the State of Bihar & Ors. (Annexure-7, Page 62) as also the other order passed by this Court, contends that the Mining Officer, ought to have at least afforded reasonable opportunity of hearing prior to passing of the impugned order dated 23rd of December, 2022 (Page 68,

Annexure-9) and consequential order dated 5th of March, 2022 (Annexure-R1, page 100).

Shri Naresh Dixit, learned counsel for the respondents states that all issues, including that of violation of principles of natural justice, can be considered efficaciously by the Appellate Authority.

Shri Mrigank Mauli, learned Senior counsel for the petitioner, states that the petitioner is ready and willing to prefer an appeal, should the same be considered and decided expeditiously, in accordance with law, and pending such consideration, no coercive action be taken against the petitioner. Also, as against the total demand of Rs. 5, 40,00,000/-, petitioner has already deposited a sum of Rs. 4,50,00,000/-. Also, petitioner is ready and willing to deposit the balance amount towards the installments which are due in terms of the order.

Shri Naresh Dixit, learned counsel for the respondents, states that the issue of payment of interest and penalty has to be dealt with by the appropriate authority in accordance with law.

Well, this proposition cannot be disputed.

As mutually agreed upon, the present petition is

disposed of on the following terms:-

(a) Petitioner shall prefer the statutory appeal within a period of one week from today;

(b) Petitioner shall fully cooperate and not take unnecessary adjournment;

(c) The Appellate Authority shall positively decide the appeal, including the issue of violation of principles of natural justice, within a period of four weeks thereafter;

(d) Petitioner shall deposit the balance amount towards the installment within a period of 10 days from today;

(d) The issue of penalty and interest is left open to be adjudicated by the appellate/appropriate authority;

(e) Petitioner shall appear before the Appellate Authority on 6th of May, 2022, when the appeal shall be presented.

(f) Till such time, the appeal is decided, no coercive action shall be taken against the petitioner.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

Learned counsel for the respondents undertake to

communicate this order to the appropriate authority orally as
also through electronic mode.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	