

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5635 of 2022

Paropkar Consultant Private Limited, a Company registered under the companies Act, having its office at village Bag Majhauwan, P.S. Koilwar, District - Bhojpur, through its authorized signatory, Bablu Kumar, aged about 38 years, Son of Sri Yogendra Singh, Resident of Bag Majhauwan, P.S. - Koilwar, Town and District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the 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 and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna - 800001.
3. The Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Assistant Director, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
5. The District Magistrate - Cum - Collector, Bhojpur.
6. The Mineral Development Officer, Bhojpur.
7. The Mines Inspector, District Mining Office, Bhojpur.
8. The Bihar State Mining Corporation Limited, Through its Managing Director, Room No. 164, Vikas Bhawan, (New Secretariate), Bailey Road, Patna 800015.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate Mr. Avinash Shekhar, Advocate Mr. Vijay Shanker Tiwari, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA-7 Mr. Naresh Dixit, Spl. P.P. Mines

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-05-2022

Heard learned counsel for the parties.

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



“(i) For issuance of a writ, order or direction in the nature of certiorari for quashing letter no. 1729 dated 28.03.2022 issued by Respondent District Magistrate, Bhojpur, whereby a penalty of Rs. 10,00,000/- has been imposed upon the petitioner for alleged irregularity in mining activity at Cluster No. 09. Lodipur Sandghat in the district of Bhojpur.

(ii) This Hon'ble Court may adjudicate and hold that the action of the Respondent Authorities in imposing a penalty upon the petitioner is in violation of the principles of natural justice as the same has been levied without issuance of an express show cause in this regard and affording a reasonable opportunity to the petitioner to rebut the allegations levelled against it.

(iii) This Hon'ble Court may further adjudicate and hold that the action of Respondents in this matter is violative of the principles of natural justice inasmuch as the alleged inspection dated 27.03.2022 has not been conducted in presence of the Petitioner and the petitioner has not been provided the alleged inspection report, on the basis of which penalty of Rs. 10,00,000/- has been levied.

(iv) This Hon'ble Court may adjudicate and hold that the action of the Respondents in this matter is completely unjustified and unwarranted.

(v) To award any other relief or reliefs for which the Petitioner is found entitled in the facts and the circumstances of the case.”

After the matter was heard for some time, finding



the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition reserving liberty to initiate appropriate proceedings before the appropriate forum, and/or take recourse to such other alternative remedies, equally efficacious in law.

Permission granted.

We are sure that as and when any such proceedings are initiated, the same shall be considered and decided expeditiously, in accordance with law.

Needless to add, the authorities/adjudicative body shall pass a reasoned order in accordance with law.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory Application(s), if any, shall stand



disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	20.05.2022
Transmission Date	

