

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12874 of 2021

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Ashish Kumar Son of Dev Nandan Mandal Resident of Village - Barari, P.O. - Barari, P.S. - Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar, Patna.
3. The Director, Mines and Geology Department, Government of Bihar, Patna.
4. The Assistant Director / Deputy Director, Mines and Minerals, Bhagalpur Circle, Bhagalpur.
5. The Mineral Development Officer, District Mining Office, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha (GA 7)

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

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 07-01-2022

Petitioner has prayed for the following relief(s):

“I Issuance of Writ or Writ in the nature of certiorari or order/direction in the nature or certiorari to quash and set aside the Memo No.168 dt. 23 06.2021 (Annexure - 11) issued by Respondent No. - 4 by which in a mechanical



manner the Storage License bearing Renewed Storage License No. - K-Bhagalpur/2/2021 of the Petitioner to stock Minor Minerals (Sand & Stone Chips) has been cancelled for none of his fault and without giving proper opportunity of Reply and Hearing and also without assigning any reason which is against the Principle of Natural Justice.

II. Issuance of Writ in the nature of Mandamus directing the Respondents to activate the User ID of the Petitioner and also permit the Petitioner to perform all the activities which the Petitioner is entitled to do in the light of Storage License issued by the Respondents And further direct to restore the Storage License bearing Renewed Storage License No - K-Bhagalpur/2/2021 of the Petitioner.

III. For issuance of direction to stay the process of Memo No. - 168 dt.23.06.2021 (Annexure - 11) and Letter No 982/ M dt. 23.06.2021 (Annexure-12) issued by Respondent No. - 4 & 5 by which the Storage License of the Petitioner bearing Renewed Storage License No. - K Bhagalpur/2/2021 was cancelled /Cancellation Order communicated till the final adjudication of the present Writ Petition.

IV. Issuance of such other order/ orders, direction/ directions, relief /reliefs to which the petitioner may found entitled to be passed as your Lordships may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

Petitioner was granted storage licence by the



District Mining Officer, Bhagalpur which was valid upto 31st December, 2020. It was subsequently renewed for a short period. During the period of extension, the petitioner's premises were inspected on 09.06.2021 and it was found that the terms of the licence were being breached with impunity. As such, a show cause notice dated 14th of June, 2021 was issued calling upon the petitioner to respond within three days.

It is a matter of record that the petitioner did respond to the same on 23rd of June, 2021, which was beyond the period stipulated in the show cause notice.

We notice that vide impugned order dated 23rd of June, 2021, petitioner's licence stands cancelled. However, the authorities have not considered the response filed by the petitioner. Also, no reason can be deciphered from the impugned order justifying the cancellation of the licence.

Ordinarily, we would not have interfered in the petition, but finding favour with the submission made by the learned counsel for the petitioner that the impugned order would come in the petitioner's way of seeking renewal, we quash and set aside the impugned order dated 23rd June, 2021 (Annexure-11, page-32), insofar as it relates to the petitioner, namely Ashish Kumar, with liberty to the authorities



concerned to pass a fresh order, after complying with the principles of natural justice.

We direct the petitioner to appear before the concerned authority, i.e. Respondent No.4, namely The Assistant Director/Deputy Director, Mines & Minerals, Bhagalpur Circle, Bhagalpur, who shall, after affording opportunity of hearing to all concerned, pass a fresh speaking order in accordance with law, which he shall positively do within a period of three months from the date of presentation of a copy of this order.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.



Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	13.01.2022
Transmission Date	

