

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13100 of 2021

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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/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 Special Secretary cum Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Deputy Director, Mines and Geology, Patna Circle, Patna.
5. The District Magistrate-cum-Collector, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi,Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha, GA-7
		Mr. Naresh Dikshit, Spl.P.P. (Mines)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(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.)

2 12-01-2022 Petitioner has prayed for the following relief(s):

“(i) For issuance of an appropriate writ, order or direction in the nature of certiorari for quashing letter



no. 261 dated 07.07.2021 issued by the Respondent Deputy Director by which 34 K-licenses obtained by the petitioner under Rule 39(1) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 (hereinafter referred to as the '2019 Rules') in the District of Patna for stocking sand has been cancelled.

(ii) This Hon'ble Court may adjudicate and hold that the action of the respondent authorities in cancelling the K-licenses issued to the petitioner is completely dehors the provisions of the 2019 Rules as the same does not contain any provision for cancellation of K-license.

(iii) This Hon'ble Court may adjudicate and hold that the action of the respondent authorities in cancelling the K-licenses issued to the petitioner is completely arbitrary, illegal and unreasonable in nature.

(iv) This Hon'ble Court may adjudicate and hold that the impugned order of cancellation of K-licenses is violative of the principles of natural justice since no show cause or opportunity of hearing or prior intimation of the allegation inspection of the K-licenses sites have been given to the petitioner prior to cancellation of the K-Licenses.

(v) This Hon'ble Court may further adjudicate and hold that the petitioner cannot be precluded from selling the stock, held by virtue of K-License, which is stored only after payment of full royalty.

(vi) This Hon'ble Court may adjudicate and hold that the action of the respondents in penalizing the petitioner for surrendering the settlement is completely unjustified and unwarranted.

(vii) To award any other relief(s) to which the petitioner is found entitled in the facts and circumstances of the case.”

After the matter was heard for some time, learned



counsel for the petitioner, under instruction, states that the petitioner shall be content if a direction is issued to Respondent No. 5, namely The District Magistrate-cum-Collector, Patna to consider and decide the representation to be filed by the petitioner along with a copy of this order within a period of four weeks, within a period of three months from the date of its presentation.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

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

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