

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10215 of 2022

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Manoj Kumar Yadav Son of Bindeshwari Prasad Yadav Resident of Village-
Mungrar, Ward No. 10, P.O.- Dabhari, P.S. and District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mining and Geology Department, Government of Bihar, Patna.
2. The Principal Secretary, Mining and Geology Department, Government of Bihar, Patna.
3. The Deputy Director (Mines)-cum-Competent Authority, Department of Mines, Govt. of Bihar, Patna.
4. The Chief Conservator of Forest, Bihar, Patna.
5. The Collector, District- Supaul.
6. The District Mines Development Officer, Supaul,
7. The Executive Assistant, District Mines Office, Supaul.
8. The SHO, Supaul Police Station, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha, Advocate Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha (GA- 7) Mr. Yash Mathur, A.C. to G.A. 7 Mr. Naresh Dixit, Spl. P.P. (Mines) Ms. Kalpana, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2022



Heard learned counsel for the parties.

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

- i) To issuance of a writ in the nature of Certiorari, or any other appropriate writ/writs, order/orders, direction/directions for quashing/setting aside the order dated 30.05.2022 passed in Mines Confiscation Case No. 10/2022, by the respondent no.5, the Collector, Supaul, whereby and where under the learned Collector, directed to the petitioner to deposit the Summon Fees as well as twenty five times of royalty fixed with compound of two times through Challan in the Government Treasury under the Rule 56 of Bihar Minerals (Concession, Prevention of illegal mining, Transportation & Storage) Amendment Rule, 2021, and thereafter, the Mines Development Officer, Supaul will release the seized vehicle in favour of its owner.
- ii) To issuance a writ in the nature of Certiorari, or any appropriate writ/writs, order/orders, direction/directions for quashing/setting aside the Letter No. 41/M, Supaul, dated 07.02.2022 by which the respondent No.6, the District Mines Development Officer, Supaul, forwarded the letter to the respondent Collector, Supaul to initiate a confiscation proceeding against the seized vehicles of the petitioner.



- III) To issuance of a writ in the nature of Mandamus, or any other appropriate, writ/s, order/s or direction for commanding the respondent authorities to release the Power Hammer JCB Machine of the petitioner bearing Regd. No. BR-11 GD 6555, Engine No. HX0282435, Chassis No. RAJ 3DXXTT02957648 to him, which has seized by respondent No. 8, the SHO, Supaul Police Station, who kept the vehicle in his custody where the JCB machine of the petitioner is laying in the police station premises.
- IV) To issuance of any other relief/ reliefs for which the petitioner may be found entitled, in the present facts and circumstances of the case in favour of the petitioner.

Shri Naresh Dixit, learned Special Public Prosecutor (Mines) states that if only the petitioner were to prefer a statutory appeal against the impugned order, which is an equally efficacious remedy, under the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019, the appropriate authority shall favourably consider, in accordance with law, release of the petitioner's vehicle, which of course, would be by way of an interim measure and subject to the final order which may be passed in



the petitioner's appeal.

Statement accepted and taken on record.

In this view of the matter, Shri Sumeet Kumar Singh, learned counsel for the petitioner states that he shall prefer an appeal against the impugned order within one week from today.

The instant petition stands disposed of reserving liberty to the petitioner to prefer an appeal against the impugned order, which shall be decided by the appropriate authority, expeditiously, in accordance with law, of course after complying with the principles of natural justice as also after giving adequate opportunity of hearing.

Liberty also reserved to the petitioner to file a fresh petition on the same and subsequent cause of action, should the need so arise subsequently.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	12.08.2022
Transmission Date	

