

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18761 of 2021

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Saurabh Anad, son of Sri Anand Mohan Prasad, Resident of Station Road
Nawada, P.O. and P.S.-Nawada, District-Nawada. Petitioner/s

Versus

1. The State of Bihar Department of Mining, Bihar, Patna.
2. The Collector, Darbhanga.
3. The Mining Officer, Darbhanga.
4. The Mining Development Officer Darbhanga.
5. The Thana Incharge Mabbi Police Station, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha (GA7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

[i] For issuance of an appropriate writ for quashing the Order dt. 05/10/21 through patrank No 314 dt. 06/10/21 passed by the Respondent No 4 i.e. Mining Development Officer Darbhanga in which the Mining Department had recommended to the Collector Darbhanga for Confiscate and Auction the Vehicle [Trucks] of the Petitioner Under Section 56(4) of the Act.

[ii] For further be Quashing the Demand Notice dt. 18/08/21 passed by the Respondent No 4 i.e. Mining Development Officer Darbhanga in which the amount was demanded for three Trucks in Sr. No 2,6 & 8 only alleged due to Over Loded stone chips Under the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation & storage Rules, 2019.

[iii] For further be provisionally released the all three Trucks of the Petitioner.

[iv] For that any other appropriate relief or reliefs to the petitioner which is found to be entitled or as may be found just and proper by this Hon'ble High Court.

Shri Gyan Prakash Ojha, learned Government Advocate 7, states that proceedings under Rule 56(4) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 stands initiated against the petitioner.

An affidavit dated 15.04.2022 is also to similar effect. Relevant thereof, paragraph 11 is reproduced as under:-

11. That vide Letter No.286 dated 23.09.2021 the Mineral Development Officer has informed the petitioner about no deposit of his penalty, failing which confiscation proceeding is initiated under Rule 56(4) of Bihar Mineral Rules, 2019.

Learned counsel for the petitioner states that thus far proceedings have not been initiated, nor other particulars disclosed in the affidavit.

Shri Ojha states that the District Magistrate, Darbhanga is the confiscatory authority and, as such, petitioner can appear before him.

We direct the petitioner to make himself available in the office of the Respondent No. 3, namely, the Collector, Darbhanga on 10.08.2022 at 10:30 A.M., with the direction to the said authority to positively decide the matter in accordance with law within a period of three weeks thereafter.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2022
Transmission Date	NA