

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15329 of 2022

=====

Santosh Kumar Son of Akhilesh Singh, resident of Village Ekbalganj, P.S.
Rani Talab, District-Patna, Bihar. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Assistant Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Collector cum District Magistrate, Patna.
5. The District Mining Officer, Patna.
6. The Mineral Development Officer, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate
For Mining	:	Mr. Naresh Dixit, Special P.P. (Mines)
For the State	:	Mr. Gyan Prakash Ojha, GA7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-11-2022

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

- i) To issue an appropriate writ, order or direction in the nature of certiorari for quashing letter no. 2177 dated 03.09.2022 (Annexure 10) issued by the Respondent Mineral Development Officer, whereby the petitioner has been directed to deposit a sum of Rs. 1,69,40,343/- as cost of 3,18,128.5 CFT sand alleged to have been transported without issuance of e-transit challans.
- ii) Consequent to grant of relief no. (1), to direct the respondents to remove the restriction on generation of e- transit challans on the portal <http://portal.biharmines.in/>. so that petitioner may sell sand stocked at K- license No. K- Patna/89/2022.
- iii) To issue an appropriate a further writ, order or direction in the nature of mandamus



commanding the Respondents to conduct a fresh inspection of K- license No. K - Patna/89/2022 with prior intimation and in the presence of the petitioner.

iv) This Hon'ble Court may adjudicate and hold that the alleged inspection report dated 23.08.2022 given by a consultant is bad in the eyes of law as the same is completely de hors the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 which does not provide for engagement of consultants by the Respondents for the purpose of inspections etc.

v) This Hon'ble Court may further adjudicate and hold that the letter no. 2177 dated 03.09.2022 is bad in the eyes of law on the grounds that a) the same has been passed in a mechanical and superficial manner without specifically dealing with the points raised by the petitioner in the show cause reply dated 29.08.2022; b) the same does not disclose under which provision of the 2019 Rules the penalty has been levied; c) the sand stocked at K -license site is already royalty paid; d) no extra royalty is payable to the respondents at the time of sale of mineral from the K-license sites; and e) no pecuniary benefit is to enure to the petitioner by selling/transporting mineral without issuance of e-transit challans.

vi) This Hon'ble Court may further adjudicate and hold that the action of the Respondent Authorities in levelling false allegation of selling sand without issuance of e-transit challans and thereby suspending generation of e-transit challans, is an act of mala fide and complete arbitrary exercise of authority/power.

vii) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.

We are of the considered view that the issue raised both, of fact and law, can conveniently be adjudicated by the



fact finding adjudicatory authority as stipulated under section 67 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.

After the matter was heard for some time, learned counsel for the petitioner, under instruction, states that the petitioner shall be content, if petitioner is permitted to withdraw the present petition, reserving liberty to take recourse to such other remedies as are otherwise available in accordance with law by approaching the appropriate forum for redressal of the grievances.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/K.C.Jha

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

