

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3394 of 2023

Mr. Aman Sethi Male, aged about 51 Years approximatly, S/o Late Shri Som Prakash Sethi, having Office at Plot No.182, Phase IV, Udyog Vihar, P.S. Udyog Vihar, Sector-18, P.O. Udyog Vihar, Phase IV, Gurgaon (Haryana)-122015 and Residence at S-541, P.S.-C.R. Park and P.O.-Greater Kailash-II, Greater Kailash-II, New Delhi-110048 through Power of Attorney Holder Ramesh Prasad Singh, Resident of Kanti Niwas, Batkhara Office, Shitla Mandir, Chiragora, P.O. and P.S.-Hirapur, District-Dhanbad, State-Jharkhand Currently Residing at Road NO.7 (Late House) East Patel Nagar, Near Gandhi Murti, Patna-800023, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Mines and Geology Department, Government of Bihar, Patna.
2. The Secretary, Mines and Geology Department, Government of Bihar, Patna.
3. The Director, Mines and Geology Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Gaya Division, Gaya
5. The Deputy Director, Mines and Geology, Magadh Circle, Gaya
6. The District Magistrate-Cum-Collector, Nawada.
7. The Assistant Director, Mines, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sriram Krishna, Advocate
For the Mines	:	Mr. Naresh Dixit, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha (Ga 7) Mr. Shankar Pandey, AC to GA-7

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-07-2023 Heard Sriram Krishna, learned counsel for the petitioner and Mr. Naresh Dixit, Spl. P.P. Mines.

The writ petition has been filed with the following
prayer:-

(i) to issue an appropriate Writ(s), Order(s) or
Direction(s) to the respondent authorities to grant permission to



the petitioner to inter alia transport 1,21,500 Tonnes of Stone Chips and 18,000 Tonnes of Dust which is lying in stock (stored) at the mining site at Mauja Bhadokhara, Block No. 11, khata No. 888, Plot No. 4256, Post-Orhanpur, District- Nawada;

(ii) to issue an appropriate Writ(s), Order(s) or Direction(a) to the respondent authorities to issue the requisite user ID Bowards preparation of the Transport Challan/ e-way bill) to the petitioner for the period between 11.06.2021 to 10.12.2031 so that the petitioner can undertake the transport of 28,08,090.00 cubic feet of stones for which he had been granted prior permission;

(iii) to issue an appropriate Writ(s), Order(s) or Direction(s) to the respondent authorities quashing the letter dated 03.09.2021, in which reference has been made to the letter dated 12.08.2021 as contained in Memo No. 1/लघु खनन(स्टोर) 27/15-2204/एम whereby the petitioner has been asked to only remove the plant and machinery and other temporary structures within a period of 6 months;

(iv) to issue an appropriate Writ(s), Order(s) or Direction(s) dent authorities quashing the letter dated 12.08 ained in Memo No. 1/लघु खनन(स्टोर) 27/15-2204/एम0, पटना or in the alternative and without prejudice to the above to keep the



same in abeyance till such time that the petitioner does not remove the already extracted ore in consonance with the judgment of the Hon'ble Supreme Court of India;

(v) to issue an appropriate Writ(s). or Order(s) or Direction(s) granting a further time period of six months to carry out the transportation of the extracted stones and dust in light with the judgments of the Hon'ble Supreme Court of India;

(vi) to issue an appropriate Writ(s). Order(s) or Direction(s) counting the period of 6 months that is available for removal of temporary structures from the mining site and removal of the extracted stones and dust from the date of grant of transit permits only and not from a date before the date of grant of transit permit;

(vi) to pass ad-interim orders directing the State to maintain status quo with regard the 1,21,500 Metric Tonnes of Stone Chips and 18,000 Tonnes of Dust and to not dispose the same during the pendency of the present petition;

(vii) that in the alternative and without prejudice to the above, to issue an appropriate Writ(s), Order(s) or Direction(s) to the respondent authorities to hear and decide the representation dated 16.07.2022 and reminder representation dated 4.01.2023 filed by the petitioner seeking permission for



transportation of the already mined stone chips and dust which is pending consideration before Respondent No. 6 herein in spite of the Order dated 20.06.2022 passed in CWJC No. 6327 of 2022 by this Hon'ble Court.

It is unfortunate that the petitioner has to invoke the writ jurisdiction only because the respondent no.6, the District Magistrate cum Collector, Nawada has failed to pass an appropriate order in the light of earlier order of Patna High Court in C.W.J.C. No. 6327 of 2022.

The contention of the learned counsel for the petitioner is that pursuant thereto, it approached the Collector, Nawada by filing representation on 16.7.2022 (Annexure-P15 to the writ petition). This was followed by reminder representation on 14.1.2023 (Annexure-18 to the writ petition).

It is however, the contention of the learned counsel for the petitioner that thereafter, the matter was adjourned on several occasions, the last being on 19.5.2023 and again adjourned on 19.5.2023, 15.6.2023 and 22.6.2023. Thereafter, no date has been provided.

Mr. Naresh Dixit, learned Special Public Prosecutor Mines submits that when the matter is pending before the Collector, Nawada, the petitioner wrongly rushed before this



Court. He, however concedes that the matter should have been brought to an end and the Collector, Nawada should have passed an appropriate order in accordance with law.

He further submits that the Collector cum Licensing Authority, Nawada will be passing an appropriate order within a month.

On this undertaking given by Mr. Naresh Dixit, learned Special Public Prosecutor Mines, this Court disposes of the writ petition with a direction to the Collector, Nawada to take immediate steps and if necessary, hear the matter on day-to-day basis and pass an appropriate order latest by 14th of August, 2023.

The writ petition accordingly stands disposed of.

(Rajiv Roy, J)

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