

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4663 of 2023

Paropkar Consultant Private Limited A Company registered under the companies act, having its office at Village Bag Majhauwan, P.S. Koilwar, District- Bhojpur, through its authorized Signatory, Bablu Kumar, aged about 38 years, son of Sri Yogendra Singh, Resident of Bag Majhauwan, P.S.- Koilwar, Town and District- Bhojpur.

... .. 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 Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The District Magistrate-cum-Collector, Bhojpur.
5. The Mineral Development Officer, Bhojpur.
6. The Mines Inspector, District Mining Office, Bhojpur.
7. The Bihar State Mining Corporation Limited, through its Managing Director, Room No. 164, Vikas Bhawan, (New Secretariate), Bailey Road, Patna 800015.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate Mr. Avinash Shekher, Advocate Mr. Vijay Shankar Tiwari, Advocate Mr. Rohit Singh, Advocate Mr. Piyush Ranjan, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha (GA- 7)
For the Mines	:	Mr. Naresh Dixit, Special P.P. Mr. Utsav Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 20-07-2023 Heard Mr. Suraj Samdarshi, learned counsel for the

petitioner and Mr. Naresh Dixit, learned Special P.P. for Mines.

I.A. No. 1 of 2023

The aforesaid interlocutory application has been



preferred for incorporating additional prayer as contained in paragraph 3:

“That the petitioner is a company registered under the Companies Act and its Directors and Shareholders are the citizens of India and thus the Petitioner is entitled to evoke the jurisdiction of this Hon’ble Court.”

There is no opposition from the other side.

In the facts and circumstances, the prayer is allowed. The relief sought for in paragraph 3 be read as part of the main writ petition.

Accordingly, the aforesaid Interlocutory application stands disposed of.

CWJC No. 4663 of 2023

It has been contended by the learned counsel for the petitioner that the matter relates to Sone Cluster no. 44, TB Sanatorium in the district of Bhojpur for which he was granted lease for a short period between 03.01.2022 to 31.03.2022.

His submission is that on 21.01.2022, vide letter no. 341/Mines was issued by the Collector, Bhojpur, Ara informing that when the inspection was done, certain irregularities were found and as such a fine of Rs. 1,00,000/- was imposed under Section 30(1) of the Bihar Minerals and Mines Rules, 2021



(henceforth, for short 'the Mines') (Annexure-4 to the writ petition).

He submits that soon thereafter another letter no. 685/Mines dated 04.02.2022 (Annexure-5 to the writ petition) was received by the petitioner issued by the Collector, Bhojpur, Ara by which he was informed that even after the fine of Rs. 1,00,000/-, the irregularities continued and as such he was directed to keep the mining activities in abeyance from midnight of 04.02.2022 to 07.02.2022.

It is his further submission that although the direction was to keep the mining activities in abeyance for only seventy-two hours, the respondent authorities never allowed the petitioner to do the mining work till 31.03.2022, the lease period.

This followed the show cause dated 11.02.2022 which the petitioner diligently replied on 15.02.2022.

In between, he also moved before the Patna High Court in CWJC No. 4160 of 2022 which was disposed of on 05.05.2022 with a direction to the Director, Mines and Geology Department, Bihar, Patna to act on the representation by the petitioner. (Annexure-12 to the writ petition).

It is the submission of the learned counsel for the



petitioner that thereafter, the Chief Executive Officer, Bihar State Mining Corporation Limited vide memo no. 1799 dated 05.08.2022 held that irregularities have been found so far as the case of the petitioner is concerned and as such the Mineral Development Officer, Bhojpur was directed to act in line with Section 56 of the Act (Annexure-12 to the writ petition).

This followed the letter no. 3619 dated 08.08.2022 by which fine of Rs. 10,63,29,847/- was imposed by the Mineral Development Officer, Bhojpur, Ara (Annexure-13 to the writ petition).

Aggrieved, an appeal was preferred vide Misc. (Mines) Case No. 60 of 2022 before the Collector, Bhojpur, Ara.

It is the contention of the learned counsel for the petitioner that in the appeal, it was specifically stated that:

- (i) the inspection was done behind his back;
- (ii) contrary to the inspection report, the pillar was found present at the site and the Mineral Development Officer even got himself photographed with that pillar which was part of his appeal;
- (iii) the petitioner was never put on show cause regarding the additional loading on the tractor.

Further, case of the petitioner in appeal was that all



the F.I.Rs. which were lodged was prior to his entry on the said site inasmuch as while he entered on 03.01.2022, all the F.I.Rs. were of July, 2021.

Further, case of the petitioner was that in line with the Act, the fines have been prescribed which was completely ignored/violated.

The Collector thereafter, passed an order on 23.01.2023 rejecting the claim of the petitioner.

The learned counsel for the petitioner submits that a perusal of the last paragraph of the order clearly shows that none of the points raised have been taken note of before the passing of the order in question.

It is his submission that so far as the additional prayer vide I.A. No. 01 of 2023 is concerned, the same concerns the appeal of the order of the Director by which he had referred the matter to the Mineral Development Officer, Bhojpur with directions that too came to be rejected by the departmental head.

Mr. Naresh Dixit, learned Special P.P. Mines submits that the order is reasoned one and after going through all the facts/documents, the same has been passed which needs no interference.

On the pertinent question of the Court on whether the



points raised by the petitioner in its appeal has been explained by the Collector, the learned counsel for the petitioner tried to convince through the facts narrated by the Mineral Development Officer to show that the same has been answered.

Amongst all the points, only two questions whether in the admitted fact that there are photographs to show that the pillar was present there and the Mineral Development Officer got himself brought photograph was taken note of by the Collector, Bhojpur, the answer was in negative.

So far as incorporation of the different F.I.Rs. are concerned, all relates to the year 2021 whereas the case of the petitioner is that he entered on the site only in January, 2021.

From all the facts narrated above, it is clear that the Collector, Bhojpur failed to take into account the submissions put forward by the appellant before him and passed a cryptic order which needs interference.

The order dated 24.01.2023 passed by the Collector, Bhojpur, Ara (Annexure- 14 to the writ petition) and consequential orders stand quashed granting liberty to the Collector, Bhojpur to once again hear the concerned parties and pass a reasoned/comprehensive order in the matter.

Learned counsel for the petitioner submits that he will



be presenting himself before the Collector, Bhojpur, Ara
alongwith the orders and necessary documents within four
weeks from today.

If the said representation/document/orders is/are
preferred by the petitioner within four weeks from today, the
Collector, Bhojpur, Ara shall be passing a reasoned order within
next three months.

The writ petition stands disposed of.

(Rajiv Roy, J)

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