

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4875 of 2023

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M/S New Bajrang Transport Organisation a proprietorship firm, having its office at Jakariyarpur, Paharipar, Near Krishna Niketan School, Patna through its proprietor Pankaj Sharma, aged about 60 years (male), son of Late Uday Narayan Singh, Resident of village Raghunathpur, P.O. Sidhipur, P.S. Khiri More, District- Patna.

... .. 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 District Magistrate, Patna.
4. The Mineral Development Officer, Patna.
5. Bihar State Mining Corporation Limited, Through its Managing Director, Room No. 164, Vikas Bhawan, (New Secretariate), Bailey Road, Patna 800015.
6. The Managing Director, Bihar State Mining Corporation Limited, Room No. 164, Vikas Bhawan, (New Secretariat), Bailey Road, Patna 800015.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha, GA-7

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 27-07-2023 Heard Mr. Suraj Samdarshi, learned counsel for the

petitioner and Mr. Naresh Dixit, learned Spl. P.P. Mines.

The petitioner has prayed for the following relief:

(i) to issue an appropriate writ, order or direction in

the nature of certiorari for quashing letter no. 417 dated

10.3.2023 issued by the Respondent Managing Director

whereby and whereunder a penalty of Rs. 68,62,50,000/- has

been levied upon the petitioner for allegedly excavating



1,83,000 cubic meter sand from outside the Environment Clearance Area;

(ii) during pendency of this writ application, this Hon'ble Court may direct the Respondents to remove the restriction from generation of e-transit challans required for transportation of sand and also not to take any other coercive steps against the petitioner for recovery of Rs. 68,62,50,000/-;

(iii) to issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents to grant refund of proportionate royalty from 28.02.2023 since the petitioner has not been sell sand from 28.02.2023 on account of suspension of e-transit challans.

It is the categorical submission of the petitioner that all the so-called inspections which are part of the record was/were done behind his back and/or neither he was put on notice nor any of his representative was present nor there was any seizure and in that background, letter no. 417 dated 10.3.2023 (Annexure-5 to the writ petition) has to go.

Mr. Naresh Dixit, learned Spl. P.P. Mines submits that if the petitioner claims that the documents which are part of the inspection report do not belong to his mining area, the Department is always ready to do re-inspection after putting him



on notice to which, the learned counsel for the petitioner has no objection but submits that in any case without putting him on notice, any order passed has to go.

He has brought on record a copy of the order 20.7.2023 in **C.W.J.C. No. 3879 of 2023 (Shailesh Transport Corporation vs. The State of Bihar)** in support of his case.

Considering all the aforesaid facts as also the order dated 20.7.2023 in Shailesh Transport Corporation, the order in question/letter no. 417 dated 10.3.2023 issued by respondent no.6 is quashed.

Liberty is granted to the respondent authorities to immediately act in accordance with law for re-inspection after putting the petitioner on notice.

The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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