

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7571 of 2023

=====

Rupesh Kumar Gautam Son of Late Rajesh Kumar Mishra Resident of
Village Auliyabaad (marwa East) Ward No. 10, P.S. Jhandapur, District-
Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Mines and Geology
Department of Bihar, Patna.
2. The Mines Commissioner, Department of Mines and Geology, Government
of Bihar, Patna.
3. Director Mines, Department of Mines and Geology, Government of Bihar,
Patna.
4. Collector Cum District Magistrate, District Bhagalpur.
5. The District Mining Officer, Mining Office, District Bhagalpur.
6. The Mineral Development Officer, Mines Department District Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Respondent/s : Mr.Gyan Prakash Ojha (Ga7)

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-07-2023 Heard the parties.

The prayer in the writ petition is/are as follows:-

(i) for issuance of writ of Mandamus Directing the
respondent no. 4 for ascertaining the veracity of letter of
Demand as envisaged in Annexure-3 of the instant writ petition
under Bihar Minerals (Concession, prevention of Illegal Mining,
Transportation and storage) Rules 2019 by following Principles
of natural Justice by giving opportunity of hearing to the
petitioner and conducting measurement in presence of the



petitioner;

(ii) for issuance of writ of certiorari for quashing the letter bearing Memo No. 900/M, dated 26.4.2023 issued under the signature Development Officer of Mineral Bhagalpur addressed to the petitioner making demand of Rs. 6,15,700 (Rupees six Lakh fifteen thousand seven hundred only) in the name of illegal mining.

Learned counsel for the petitioner submits that the said order has been passed in his absence and at no point of time, he was put on show cause. The same finds incorporated in paragraph-11 of the writ petition. The further submission is that he has made representation on 29.04.2023

Learned Special PP Mines, Mr. Naresh Dixit submits that the representation is very cryptic and the petitioner is well advised to file a detailed representation along with supporting documents in support of his case.

Accordingly, the writ petition is stands disposed off with a direction to the petitioner to represent before the Director, Mines, Department of Bihar, Patna (respondent no. 3) within a period of four weeks from today who shall be duty bound to provide all the documents relating to the case so that he may be able to defend his case.



If the said representation is filed within four weeks from today, the respondent no. 3 the Director, Mines, Department of Mines Geology, Bihar Patna, shall pass a reasoned order within a period of three months from the filing of the representation.

Till an order passed by the respondent no. 3, the order is question shall be kept in abeyance.

The writ petition stands disposed off.

(Rajiv Roy, J)

Jagdish/Jyoti/-

U			
---	--	--	--

