

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2467 of 2021

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Banshidhar Construction Pvt. Ltd, a Company incorporated under the provisions of the Companies Act, 1956 having its office at 2nd Floor, Plot No. 388/389, Near Biscuit Factory More, Nasriganj, Digha, Danapur, Patna through its Authorized Signatory Prakash Kumar Singh aged about 39 years (male), son of Late Ram Naresh Singh, resident of Azad Nagar, Near Primary School, Bhuli, Dhanbad, Jharkhand.

... .. 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 Special Secretary cum Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Assistant Director, Department of Mines and Geology, Aurangabad.
5. The District Magistrate-cum-Collector, Aurangabad.
6. The Mineral Development Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate Mr. Avinash Shekhar, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, G.A.-7 Mr. Uday Shankar Pandey, AC to GA-7
For the Dept. of Mines	:	Mr. Naresh Dixit, Advocate Mrs. Kalpana, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 20-06-2023 Heard Mr. Suraj Samdarshi, learned Counsel for the petitioner, Mr. Naresh Dixit, learned Counsel who representing the respondent nos. 1 and 2 duly assisted by Mrs. Kalpana as also learned Counsel for the State.

The petitioner has moved before this Court challenging the order dated 13.03.2020 by which the Mineral



Development Officer, Aurangabad had rejected the claim for extension of lease term.

During the pendency of the case, the office of the District Magistrate-cum-Collector took up the matter and passed a reasoned order which was conveyed to the petitioner vide memo no. 2152 dated 07.10.2022 granting him six months period for removal of the leftover stone (1831668.56 MT) (Annexure-12 to the supplementary affidavit).

It seems thereafter the Director, Mines, Bihar, Patna vide its letter dated 09.12.2022 requested the District Magistrate-cum-Collector, Aurangabad to review its order of grant of six months period by reducing it to three months.

Pursuant thereto, the Collector, Aurangabad modified the order by allowing only three months period to the petitioner vide its letter dated 13.12.2022 (Annexure-C to the counter affidavit).

Learned Counsel for the petitioner submits that the basis for requesting the District Magistrate, Aurangabad to review its order was the order of the then Mines Commissioner, Mines and Geology Department, Bihar issued vide memo no. 3961 dated 10.08.2022 by which in another case, three months period was allowed for removal of 58,881 MT stone lying on his



mining cite. He submits that while for 58,881 MT stone, three months period was granted, so far as the petitioner is concerned, the stone lying was 1812077.51 MT and as such, the earlier order of the Collector, Aurangabad granting six months period was fully justified.

Learned Counsel appearing on behalf of the Mines Department could not provide a proper response as to how for 58,881 MT, three months period was granted by the Mines Department but for such a big number of 1812077.51 MT, the same period can be granted. Each and every case has to be considered in the particular facts and circumstances and in the present case, the initial order of the Collector, Aurangabad was fully justified by which the petitioner was granted six months period. The subsequent letter issued by the Director, Mines dated 09.12.2022 making request to the District Magistrate, Aurangabad was uncalled for.

In that view of the matter, this Court is fully satisfied that the initial order of the Collector, Aurangabad granting six months period to the petitioner is just and proper and accordingly said order vide memo no. 2152 dated 07.10.2022 is restored allowing six months period to the petitioner for the removal of left over stones.



Mr. Naresh Dixit, learned Counsel for the Mines undertakes that the procedure that has to be adopted for allowing the smooth removal of the stone from the site will be done.

The writ petition is disposed of accordingly.

(Rajiv Roy, J)

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