

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15484 of 2023

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Uday Choudhary S/o Sri Sita Ram Choudhary Resident of Village-Bihta,
Manana-Sheikhpura, P.S. Hathiyawan, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Mining Department, Govt. of Bihar, Patna.
2. District Mining Officer, Nawada.
3. Sub Divisional Officer, Nawada.
4. Mining Development Officer, Nawada.
5. Mining Inspector, Nawada.
6. Officer Incharge (Thana Dyaksha), Kadirganj O.P., Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Singh, Advocate
For Mining Department	:	Mr. Naresh Dikshit, Advocate
		Ms. Kalpana, Advocate
For the State	:	Mr. Gyan Prakash Ojha (GA- 7)
		Mr. Abhishek Singh, AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 30-11-2023

Heard Mr. Mukesh Kumar Singh, learned counsel appearing on behalf of the petitioner; Mr. Naresh Dikshit, learned counsel appearing on behalf of Mining Department and Mr. Gyan Prakash Ojha, learned GA-7 assisted by Mr. Abhishek Singh, learned AC to learned GA-7 for the State.

2. Learned counsel appearing on behalf of the petitioner seeks to release of truck bearing Registration No. BR-52G-3213 along with the materials (stone chips) loaded over it on the ground that the value of the truck is being deteriorated day by day and in case of *Sunderbhai Ambalal Desai vs. State*



of Gujarat reported in **(2002) 10 SCC 283**, it is held that writ court, statutory body and quasi judicial authority must not delay in releasing the truck as it contributes in the income of the nation.

3. Considering the law laid down by the Apex Court he seeks for release of truck by the District Mining Officer, Nawada, in accordance with Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019. Petitioner is aggrieved to the extent that in view of notification of the State Government, he is entitled to carry 600 CFT stone chips, however, petitioner admits that he has not brought the notification on which he is relying along with the writ petition and seeks to file his application in the prescribed manner before the District Mining Officer, Nawada- respondent no. 2 for release of the truck along with the materials loaded over it.

4. Considering the aforesaid submission, the writ petition is disposed of with a direction to the District Mining Officer, Nawada- respondent no. 2 to pass order in accordance with the provision of Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 and is required to give specific finding



after determining the total stone chips, which is loaded on the said truck after conducting physical measurement of the loaded material in presence of the petitioner. If it is found that petitioner has loaded any extra stone chips more than the permissible limit then in that case, an opportunity be given to the petitioner to make payment of the fine in accordance with law.

5. With above observations and directions, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	01.12.2023
Transmission Date	N/A

