

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2203 of 2024

Sanjay Kumar Singh, Son of Late Nageshwar Singh, Resident of Narma, Alinagar, Darbhanga, having his office at Top of Mangalam Tyre House3, Bella More, Kathalwari District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Additional Chief Secretary-cum- Principal Secretary, Mines and Geology, Bihar, Patna
2. The Additional Chief Secretary-cum- Principal Secretary, Mines cum- Mines Commissioner and Geology, Bihar, Patna.
3. The Director, Mines and Geology, Bihar, Patna.
4. The District Magistrate, Madhubani.
5. Mineral Development Officer, Madhubani.
6. Bihar Rajya Pul Nirman Limited through its Senior Project Engineer Work Division, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate. Mr. Mukesh Kumar, Advocate. Mr. Priya Ranjan, Advocate.
For the State	:	Mr. R. K. Chandran, AC to GP-19.
For Pul Nirman Nigam	:	Mr. Kumar Manish, Advocate.
For Mines Department	:	Mr. Brij Bihari Tiwari, Advocate. Mr. Naresh Dikshit, Advocate. Mr. Utsav Anand, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 20-04-2024

Heard Mr. Sanjeev Kumar, learned counsel along with

Mr. Mukesh Kumar and Mr. Priya Ranjan, learned counsel

appearing on behalf of the petitioner; Mr. R. K. Chandran,

learned AC to GP-19 for the State; Mr. Kumar Manish, learned

counsel for the Bihar Rajya Pul Nirman Nigam Limited and Mr.

Brij Bihari Tiwari, learned counsel along with Mr. Naresh

Dikshit and Mr. Utsav Anand, learned counsel for the Mines



Department.

2. Learned counsel appearing on behalf of the petitioner submits that in absence of any document brought on record in support of the application dated 18.12.2022 which is not supported by the permit, he seeks to file an application to justify his stand that Royalty and Cess has already been paid by the Bihar Rajya Pul Nirman Nigam Limited. The details are contained in Annexure-14 to the writ petition and the details of the vouchers / invoices are at Annexure-15.

3. It is admitted in the counter affidavit that Bihar Rajya Pul Nirman Nigam Limited has already paid the amount of royalty and cess to the Mines Department.

4. In absence of permit duly issued by the Mines Department, any soil which has been excavated by the petitioner is against the mandate of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 (hereinafter referred to as the "Rules, 2019).

5. Mr. Kumar Manish, learned counsel appearing on behalf of Bihar Rajya Pul Nirman Nigam Limited submitted that Bihar Rajya Pul Nirman Nigam Limited can only justify the stand of the petitioner to the extent that Royalty and Cess has been deducted from the bill of the petitioner and Bihar Rajya



Pul Nirman Nigam Limited is not responsible for any other excavation made by the petitioner from any other site.

6. However, considering the fact that the petitioner has constructed the bridge, the Managing Director of Bihar Rajya Pul Nirman Nigam Limited, if gives the details of all the vouchers and permit duly issued by the Mines Department to the petitioner for excavation of the soil for which already royalty and cess has been deposited by the Bihar Rajya Pul Nirman Nigam Limited and if it matches with the vouchers and permit submitted by the petitioner, then in that case, no interference is required by this Court at this stage so far as impugned order is concerned. If there is any discrepancy, certainly, the Managing Director will give such information to the Mineral Development Officer, Madhubani or the District Magistrate, Madhubani to rectify the order in accordance with law.

7. Accordingly, the writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	26.04.2024
Transmission Date	N.A.

