

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6395 of 2024

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1. Ram Chandra Sah, Son of Baua Sah, resident of Village-Saraigarh, Bhatiyahi, Ward No. 14, P.S. Baptiyahi, District-Supaul.
 2. Sunita Devi, Wife of Sri Ram Chandra Sah, resident of Village-Saraigarh, Bhatiyahi, Ward No. 14, P.S. Baptiyahi, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary cum Mines Commissioner cum Appellate Authority, Department of Mines and Geology, New Secretariat, Patna.
2. The Collector, Supaul.
3. The District Transport Officer, Supaul.
4. The District Mining Development Officer, Supaul.
5. The Officer In Charge Jadiya Police Station, District-Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate
For the Respondent/s : Mr. Government Advocate (3)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-09-2024

I.A. No. 01 of 2024

The Interlocutory Application has been preferred by
the petitioners as preferred with additional prayer:-

*“(i) for question about the letter
no. 462 dated 02.09. 2024 issued by the
Assistant Director Mines and Geology,
Supaul (Annexure-P/9) by which the
petitioners have been directed to pay Rs.
3,27,500/- as the fine amount, failing which,
steps shall be taken for its
confiscation/auction;*

(ii) there is no opposition from the



other side and as such, I.A. No. 01 of 2023 is allowed.”

2. Heard Mr. Rajesh Mohan, learned counsel for the petitioner and the State.

3. The present writ petition has been preferred for the following relief(s):

“that the present writ petition is being filed on behalf of the petitioners for issuance of a writ in the nature of a writ of certiorary for quashing of and to set aside the order dated 15.03.2024 passed by the Mines Commissioner Cum Appellate Authority, Department of Mines and Geology, Bihar, Patna in Mines Appeal No. 15 of 2023 (Ram Chandra Sah & Another Vs. Collector, Supaul & Another) by which and whereunder the appellate authority affirmed the order dated 10.10.2023 passed by the Collector, Supaul in Mining Confiscation Case No.09 of 2023 (State Vs. Vehicle owner), to the extent that the compounding fee and ownership fee shall be charged Rs.3.27,500/- per vehicle, as well as order dated 10.10.2023 passed by the Collector, Supaul by which and whereunder the learned Collector. Supaul pleased to hold that the vehicle owners/ petitioners failed to



produce agreement, license in Form-K and legal permit/e-Challan with respect to loading and unloading of minor minerals, therefore, there is a violation of Bihar Minerals (Concession, Prevention of illegal Mining. Transportation & Storage) Rules, 2021. Therefore, the petitioners were directed to deposit compounding fee and ownership tax multiplying with 25X2 with the Government Treasury as well as the District Mining Development Officer, Supaul and for further direction/directions, relief/relief(s) in the facts and circumstances of the case the petitioners are entitled too.”

4. The matter relates to the trucks which the two petitioners own and it was found to be moving with stone chips without legal and valid documents and accordingly, the Mining Development Officer, Supaul got the vehicle seized and further wanted details vide letter no. 535 dated 21.09.2022 from the office of the District Transport Officer, Supaul. Later, the case travelled to the Court of the Collector, Supaul, in Mineral Confiscation Case No. 09 of 2023 (*State vs. Vehicle Owner*), order came to be passed on 10.10.2023 by the Collector, Supaul (Annexure-7) to the petition.

5. Aggrieved by the said order, Appeal No. 15 of 2023



(Ramchandra Sah & Anr. vs. The Collector of Supaul & Ors.)
was preferred which too came to be rejected on 15.03.2024
(Annexure-8) to the petition.

6. Thereafter, the writ petition was filed challenging the orders. In the meantime, came the letter no. 462 dated 02.09.2024 (Annexure-P/9 to the petition) issued by the respondent-Assistant Director Mines and Geology, Supaul by which he has been directed to pay the amount (Rs. 3,27,500/-) within a fortnight failing which, process for confiscation/auction shall take place.

7. Learned counsel for the petitioners after some argument concede that both the orders of the Collector, Supaul as also the Appellate Authority have gone against them and in that background, they will be paying the amount to save the trucks under protest keeping the legal remedy available to them.

8. The respondents have no objection to it and it is their submission that the order is very clear, if he pays Rs. 3,27,500/- each for all the trucks, shall be released.

9. In that background, this Court grants liberty to the petitioners to pay the amount as incorporated in the Annexure-9 issued by the Assistant Director, Mines and Geology, Supaul and further, the legal remedy which he may pursue, is free to do



so.

10. The order dated 02.09.2024 passed by the respondent-Assistant Director, Mines and Geology, Supaul (Annexure-9 to the petition) shall remain in abeyance for next four weeks on the undertaking of the petitioners that they will be paying the amount. In case, the payment is not made within the next four weeks, the interim protection granted to the petitioner shall cease to operate further.

11. The writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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