

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12012 of 2023

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Alok Kumar Dwivedi R/o Civil Line, Vishandar Pura, Mahuaria, District-
Mirzapur, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Mines
Government of Bihar.
2. The Secretary, Mines and Geology Department, Bihar.
3. The District Magistrate, Buxar.
4. The District Mining Officer, Mines and Geology Department, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashwat Pratyush, Advocate Mr. Sahil Kumar, Advocate Mr. Anirup Chodhary, Advocate
For the Respondent/s	:	Mr. Md. Raisul Haque (SC 10)
For the Mines	:	Mr. Naresh Dixit, Advocate Mr. Utsav Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 01-07-2024

I.A. No. 01/2024.

The present Interlocutory Application has been
preferred for bringing on record the development that occurred
during the pendency of writ petition.

2. There is no opposition from the other side.

3. I.A. No. 01/2024 stands allowed.

CWJC No. 12012 of 2023.

Heard learned counsel for the petitioner and learned
AC to Special P.P. Mines.

2. The present petition has been preferred for issuing



a writ of Mandamus directing the respondents to set aside the challan order dated 23.06.2023 issued by the Mining and Geology Officer, Gopalganj through which an amount of Rs. 2,58,575 (Two lakh fifty eight thousand five hundred seventy five) was levied as fine and to further direct the respondents to release the TATA Motors Dumper bearing no. UP63AT-6116 which has been seized by them. And further for issuance of any the writ or writs directions or directions as it may be deemed fit and proper to the facts and circumstances of this case.

3. The claim of the petitioner is that his vehicle (UP63AT-6116) works for S.P. Singla Construction Private Limited, Buxar under an agreement for transportation of boulder from Chunar (U.P) to Buxar (Bihar). In one such movement on 23.05.2023, though the period was uptill 7:14 a.m. on 24.05.2023, as the vehicle broke down near Narayanpur (U.P). It was taken to the workshop, lots of time got exhausted and in that background, reached Buxar only on 25.05.2023 at 2:30 a.m. This led to seizure of the vehicle and initiation of Case no. 102/23 (State vs Alok Kumar Dwivedi).

4. It is his submission that the said facts were not taken into account and now an order came to be passed by the District Magistrate, Buxar on 23.01.2024 which is now part of



I.A. No. 01 of 2024.

5. Learned AC to Special P.P. Mines straightaway took this Court to Rule 67(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules 2019 (henceforth for short, 'the 2019 Rules') according to which an order passed by the Collector is is appealable before the Mines Commissioner within sixty days.

6. Chapter XVI deals with the appeals and revision and 67 deals with the appeals and read as follows:

67. Appeals. (1) All final orders passed by Mining Officer shall be appealable to the Collector within sixty days from the date of the order.

(2) All final orders passed by the Collector shall be appealable to the Mines Commissioner within sixty days from the date of the order.

(3) All appeals shall be disposed of within three months from the date of the filing. All appeals in the rule shall be in Form "L".

7. Though learned counsel for the petitioner tried to impress upon this Court regarding irregularities in passing the order, he accepts that there is a channel to avail the remedy after the Collector has passed the order. He submits that as the



petitioner was pursuing writ petition, the delay has occurred but he shall be taking up immediate steps and will be filing appeal within two weeks.

8. Taking into account the aforesaid facts, the writ petition stands disposed of granting liberty to the petitioner to approach the Mines Commissioner.

9. Since there has been delay, if the petitioner prefers petition within two weeks, as undertaken, the concerned authority shall take up limitation petition sympathetically considering the fact that the writ petition was pending before this Court.

(Rajiv Roy, J)

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