

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17505 of 2023

Vibhav Kumar S/o Mrityunjay Singh @ Mritunjay Kumar Singh Resident of
Village- Daftarpur, P.O. and P.S.- Doriganj, District- Saran, Pin Code-
841211. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
2. The Director, Mines and Geology Department, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, Bhojpur at Arrah, P.O. and P.S.- Arrah, District- Bhojpur, Bihar Pin Code- 802301.
4. The District Mining Officer, Bhojpur at Arrah, Bihar Pin Code- 802301.
5. The Mineral Development Officer, Bhojpur at Arrah, Bihar Pin Code- 802301.
6. The Superintendent of Police, Bhojpur at Arrah, P.O and P.S.- Arrah, District- Bhojpur Bihar Pin Code- 802301.
7. The Officer-in-Charge, P.S.- Chandi, P.O. and P.S- Chandi, District- Bhojpur, Bihar, Pin Code- 802223.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Singh, Adv.
For the Respondent/s : Mr.Sheo Shankar Prasad (Sc 8)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2024 Heard the parties.

2. The present writ petition has been filed for the
following reliefs:-

*“1. That through the instant
petition, petitioner hereinabove prays for
issuance of appropriate writ(s), order (s),
direction(s) upon respondents, especially
upon the Collector- Magistrate, Bhojpur at
Arrah, respondent no.3 for directing him;*

*(i) To dispose of confiscation
(Mining) Case No. 466 of 2022 Securing
the release of vehicle (Truck) bearing
registration No. BR04GA-1754 at the
earliest as no final order has been passed*



till date in the above mentioned case and order has been served by him since 27.02.2023.

(ii) To make payment of adequate compensation to the as without any fault from petitioner's side, the said vehicle of the petitioner which is still under hire purchase agreement, was seized by the Mineral Development Officer, Bhojpur, Arrah, respondent no.5 on 26.10.2022 and upon his false report vide letter no. 4911 dated 10.12.2022 the aforesaid confiscation case was initiated against the said vehicle.

(iii) To take appropriate legal action against the Mineral Development Officer, Bhojpur, Arrah, respondent no.05 for his such illegal, arbitrary and deliberate act owing to which the said vehicle of the petitioner has been perishing within the premises of the P.S. Chandi, Bhojpur, since 26.10.2022, 4.30 pm.”

3. A counter affidavit has been filed on behalf of respondents no. 3 to 5 and paragraphs 8 and 9 read as follows:-

“8. That the petitioner in para 14 himself admits that a demand notice Rs.2,95,625/- was raised as of a compounding fee/cost of mineral which was denied by the petitioner and on denial of such payment having no option left, the Mineral Development Officer,



Bhojpur vide Letter No.4911 dated 10.12.2022 has sent the recommendation to the Collector, Bhojpur for initiation proceeding after 30 days. That in the aforesaid Letter No.4911 dated 10.12.2022 of confiscation it has been stated that the vehicle of the petitioner was carrying 900 CFT of sand beyond the permitted quantity, therefore, a compounding fee of Rs.2,95,625/- has not been paid by the petitioner and on denial of such payment, the vehicle of the petitioner was in the safe custody and after passing the prescribed period of 30 days, a recommendation was made for initiation of confiscation proceeding. The seizure was made on 27.10.2022 and the recommendation was made on 10.12.2022.

9. That on the basis of such recommendation a Confiscation (Mines) Case No.466 of 2022 was initiated by the learned court of Collector, Bhojpur wherein the petitioner has also appeared and has submitted his reply. That the Collector vide order dated 22.08.2023 has directed the Mineral Officer, Bhojpur to submit a written statement after physical verification before the next date of hearing. That in the confiscation proceeding, a detailed report/reply has been duly submitted by the Mineral Development Officer, Bhojpur and as such the petitioner may appear before the Collector in confiscation case and may adduce



his evidence in his memo.”

4. In that background, learned counsel for the petitioner submits that after hearing the parties, the Collector, Bhojpur, Ara, reserved the order on 27.02.2023 (Annexure-P/8 to the petition), and despite passage of 1 and a ½ years, the order has still not been passed.

5. To a specific query as to whether he has got update knowledge about the passing of the order by the Collector, the answer is in negative. The case is pending before respondent-Collector, Bhojpur, Ara and as per order-sheet contained in the writ petition, the same has been reserved on 27.02.2023. If the contention of the petitioner is true and the order has not been passed, it is high time that the respondent-Collector, Bhojpur, Ara, passes an order and this Court expects that the same will be passed within two weeks from today, if the same has still not been passed.

6. The petition stands disposed of.

(Rajiv Roy, J)

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