

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18578 of 2023

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Nand Kishore Ray Son of Deep Narayan Shao @ Dip Narayan Ray Resident
of 2/6, Nitya Ghosh Street, South Port, P.S.- Watjang, Kolkata, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geological Department, Govt. of Bihar, Patna.
2. The Commissioner, Mines, Govt. of Bihar, Patna.
3. The Collector, Bhojpur at Ara.
4. The Mineral Development Officer, Bhojpur.
5. The Mines Inspector, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raja Ram Rai, Advocate
For the State	:	Mr. Manish Kumar (GP-4)
		Mr. Deepak Kumar, AC to GP-4
For the Mines Dept.	:	Mr. Naresh Dikshit, Special PP Mines

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-09-2024 Heard the parties.

2. The present petition has been filed for grant of
following reliefs:-

*(i) For issuance of a writ in the nature of
Certiorari for quashing the order dated
10.07.2023 passed in Confiscation Case No.
453/2022 issued under the signature of
Respondent No. 3 whereby and where under the
truck of the Petitioner bearing Registration No.
WB-19K-0511 was confiscated and a
recommendation has been made to Respondent*



No. 4 to take appropriate action for auction for confiscated vehicle after making consultation with District Transport Officer, Bhojpur without compliance of the doctrine of principles of natural justice which is inextricable and inseparable part of any punitive and harsh action causing loss of property and livelihood of the petitioner.

(ii) For directing the Respondents to release the truck (container) of the Petitioner bearing Registration No. WB-19K-0511 if not auctioned as yet or pay the adequate compensation with interest since the order of confiscation dated 10.07.2023 that has been passed in flagrant violation of the Principles of Natural Justice without serving any notice to the petitioner.

(iii) For any other relief/ reliefs if the Petitioner found entitled in the facts and circumstances of the present case.

3. It has been pointed out by the parties that an order has already been passed by the Collector Bhojpur, Ara on 10.07.2023 in the confiscation (Mines Proceeding Case No.453



of 2022) (State vs. Nand Kishore Ray) (Annexure P/2 to the writ petition).

4. Learned counsel for the petitioner submits that he being a resident of Kolkata, never came to know about the order and as such, the order in question was passed.

5. Mr. Dikshit, learned Special PP has taken this Court to **Rule 56-A of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules 2019** (hence for short 'the Rules'), which reads as follows:-

Appeal against the order of confiscation. Any person aggrieved by an order of confiscation may within thirty days of the order, or if the fact of such order has not been communicated to him within thirty days of date of knowledge of such order, prefer an appeal in writing, accompanied by such fee payable in such form as may be prescribed, along with the certified copy of order of confiscation to the Mines Commissioner (hereinafter referred to as Appellate Authority).

6. Learned counsel for the petitioner submits that he intends to file appeal but the limitation period has already lapsed

7. Considering the facts of the case as also the contention of the petitioner that he being in Kolkata could not agitate the matter earlier, liberty is granted to file an appropriate



appeal under section 56-A of ‘the Rules’.

8. In case, such appeal is filed in next three weeks, the Appellate Authority shall while taking up the limitation petition will see to it that delay has occurred as the writ petition was pending before this Court and pass an appropriate order.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

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