

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4734 of 2023

=====

Kamlesh Kumar Son of Sri Baijnath Prasad, Resident of Village-
Mahawalipur, P.S.- Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
2. Assistant Director, District Mining Office, Patna.
3. The District Mining Officer, District Mining Office, Patna.
4. The Mines Development Officer, District Mining Office, Patna.
5. The Mining Inspector, District Mining Office, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha , Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha, G.A.-7

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-01-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed for the
following reliefs:

I. For issuance of writ in the nature of certiorari for
quashing the order dated 26.09.2022 issued under Memo No.
2451 passed by Mineral Development Officer, District Mining
Office, Patna (Annexure-1) whereby and whereunder the
representation filed by the petitioner in pursuance of order dated
27.04.2022 passed in CWJ.C.No 3743/2022 for renewal of his
Storage licence No 61/2019 for further period w.e.f 01.01.2021



has been refused on illegal and arbitrary ground that the monthly return of sale and purchase of sand for the month of July, 2020 to December, 2020 is not available in the office.

II. For issuance of writ in the nature of mandamus commanding and directing the Respondents concerned to renew Storage Licence No 61/2019 of the petitioner which was issued by the Assistant Director, District Mining Office, Patna, Respondent no 4, which was renewed upto 31.12.2020.

III. For holding and directing that petitioner deserves to get his Storage Licence No. 61/2019 renewed for further period, for which the application for renewal was filed well within time before the Mining Authority, Patna (Respondents) and huge amount is involved on account of stock of sand.

IV. And/or pass such other order or orders as deem fit and proper in the interest of justice.

3. Learned counsel for the petitioner submits that the petitioner has applied for granting a license of Stocking Minor Minerals (Sand and Chips), before the District Mining Officer, Patna alongwith the relevant documents regarding lands appertaining to Khata No.403, Khesra No.5434, area over 15.5 decimal as well as prescribed fee of Rs.2000/- in the year 2018 itself and accordingly, the Circle Officer has issued ‘ No



Objection Certificate' with respect to the land in question and in pursuance to the NOC of the Circle Officer, the land in question of the petitioner the use for staking of sands and after due verification the Licensing Authority issued a licence and the same was valid till 31.12.2019 and the same was renewed upto 31.12.2020. Learned counsel for the petitioner submits that the petitioner requires to file a monthly return showing payment of royalty from month of January, 2020 to December, 2020 but the petitioner aggrieved the action of the respondents the petitioner has moved before this Court in CWJC No.3743 of 2022 and the same was disposed of by the common order with direction to the petitioner to approach before the authority concerned. Pursuant to that, the authority concerned has passed the order dated 26.09.2022 (Annexure-1). Learned counsel for the petitioner submits that from a bare perusal of Annexure-1 (impugned order) it appears that the petitioner has not filed the monthly return from January, 2020 to December, 2020 and for that, the authority has imposed a fine upon the petitioner to a tune of Rs.2,18,600/-(Rs.Two lacs Eighteen thousand Six hundred). Learned counsel for the petitioner on instructio submits that he has already filed the monthly return upto December 2020 and he is not in a position to produce any evidence for that.



4. Learned counsel for the petitioner on instruction submits that the petitioner is ready to pay the fine of Rs.2,18,600/-(Rs.Two lacs Eighteen thousand Six hundred) within a period of two months from the date of receipt/production of a copy of this order and when the petitioner deposits the aforesaid fine amount within the aforesaid period the authority concerned is directed to release the sand in favour of the petitioner.

5. With the aforesaid direction, this writ application stands disposed of.

(Rajesh Kumar Verma, J)

Nitesh/-

U			
---	--	--	--

