

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16264 of 2018

Umakant Singh Son of Late Jagdish Prasad Singh, resident of Ward no. 6,
Murla Chak, Dariyapur Road, P.O. P.S.- Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Jamui.
3. The District Mining Development Officer, Jamui.
4. The Circle Officer, Sikandara, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No-2, Adv
For the Respondent/s	:	Mr. Gyan Prakash Ojha- GA7
For Mines Dept.	:	Ms. Kalpana, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 08-07-2025 Heard learned counsel appearing for the petitioner,

learned counsel for the Mines Department and learned counsel

for the State.

2. The present writ application has been filed by the petitioner for quashing/setting aside the demand order dated 15.09.2017 contained in letter No. 260 issued by the District Mining Officer, Jamui whereby and whereunder as per the petitioner, the District Mining Officer, Jamui has directed the petitioner to make payment of Rs. 1,54,250/- for the realization of the dues amount for operating brick kiln during the year 2016-17.

3. Learned counsel for the petitioner has attracted the attention of this Court to Annexure-5 dated 08.03.2018 and



Annexure-6 dated 21.03.2018. Annexure-5 is a letter issued by the District Mining Officer, Jamui to the Circle Officer, Sikandara, Jamui asking him to find out as to whether the petitioner had operated the brick kiln during the year 2016-17 or not. In response to the said letter issued by the District Mining Officer, Jamui, the Circle Officer submitted his reply dated 21.03.2018 (Annexure-6) in which the Circle Officer has admitted that during the period 2016-17, the petitioner did not operate the brick kiln.

4. The counsel appearing for the respondents do not controvert the above factual position.

5. In light of the fact that the Circle Officer, Sikandara, Jamui has admitted that the petitioner did not operate the brick kiln during the year 2016-17 and an information to that effect has already been given to the District Mining Officer, Jamui, the impugned demand order dated 15.09.2017 contained in letter No. 260 issued by the District Mining Officer, Jamui becomes unsustainable in law and hence, the same is set aside/quashed. This writ application is, therefore, allowed.

(Alok Kumar Sinha, J)

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