

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3483 of 2025

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M/s Swift Engicon Pvt. Ltd., having its registered office at Pharmaceutical Colony, Jai Prakash Nagar, Kankarbagh, Patna, through its Director Sudeshwar Singh, S/o Rameshwar Singh, aged about 60 years, Gender-male, R/o- Jamunia Tola, Madhopur, P.S. Maner, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Mines Commissioner, Bihar.
2. The District Magistrate-cum-Collector, Patna.
3. The Mineral Development Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Devendra Narayan Singh, Advocate
	:	Mr. Abhishek Kumar Vivek
For the State	:	Mr. Government Advocate 13
	:	Mr. Sanjay Kumar, AC to GA-13
For the Mines	:	Mr. Naresh Dikshit, Spl.P.P.
	:	Ms. Kalpana, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 24-06-2025

Re. :- I.A. No. 1 of 2025

Heard learned counsel for the petitioner, learned counsel for the Department of Mines and learned counsel for the Respondent-State.

2. With the consent of both the parties, this writ application is being disposed of at the present stage itself.

3. Learned counsel for the petitioner submits that by order dated 26.11.2024 contained in Memo No. 3405/M passed by District Magistrate-cum-Collector, Patna, his settlement of Punpun Sandghat, Cluster No. 2 had been canceled for non-payment of arrears in terms of the settlement. The said order



was upheld by the Appellate Authority *vide* order dated 17.01.2025 passed in Appeal Case No. 1 of 2025 by the Mines Commissioner, Bihar. These two orders were assailed by the petitioner in the present writ application. Learned counsel for the petitioner further submits that during the pendency of the present writ application, a notice inviting E-Auction for settlement of sandghats dated 05.05.2025 with respect to the invitation of tender for E-Auction of Punpun Sandghat Cluster No. 2 has been published and if the auction is allowed to continue then he would be seriously prejudiced. Realising the consequence of finally that may happen on account of invitation of tender, learned counsel for the petitioner submits that he is prepared to clear/pay the entire arrears along with statutory interest and for that he is prepared to file a representation before the Mines Commissioner, Bihar. He further submits that if the petitioner is allowed to file a representation before the Mines Commissioner, Bihar undertaking to pay the arrears in terms of the previous settlement then he is willing to withdraw the present writ application and pursue his remedy before the Mines Commissioner, Bihar.

4. Learned counsel appearing for the Mines Department submits that on account of failure of the petitioner



to deposit the arrears in time in terms of the previous settlement, the Mines Department had suffered loss of revenue and, therefore, does not deserve any sympathy.

5. Considering the limited nature of prayer being made by the learned counsel for the petitioner whereby he is ready to file a representation before the Mines Commissioner, Bihar undertaking to deposit all the arrears along with statutory interest in terms of the previous settlement which had been made in his favour, this Court disposes of the present writ application directing the petitioner to file the said representation before the Mines Commissioner, Bihar within two weeks from the date of this order and if such a representation is filed before the Mines Commissioner, Bihar then the Mines Commissioner, Bihar will consider the said representation and dispose of the same on merit by passing an appropriate order after giving an opportunity of hearing to the petitioner. Needless to emphasize that the final order passed by the Mines Commissioner should be a reasoned and speaking order. The entire exercise must be carried out within a period of three weeks from the date of production of a copy of this order along with representation before the Mines Commissioner, Bihar.

6. With the aforesaid observation and direction, the



present writ application is disposed of. All pending Interlocutory Applications, if any shall stand disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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