

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11539 of 2024

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Kushmi Devi Wife of Shivchandra Rai, Resident of Village- Raksa, P.S.-
Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geological Department, Government of Bihar, Patna.
2. The Principal Secretary, Mines and Geological Department, Government of Bihar, Patna.
3. The Director, Mines and Geological Department, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Darbhanga.
5. The District Transport Officer, Darbhanga.
6. The District Mining Officer, Darbhanga.
7. The Mining Inspector, Darbhanga.
8. The S.H.O., Baheri Police Station, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13, Advocate
For the Respondent/s	:	Mr. Manoj Kr. Mishra, SC-26
	:	Mr. Santosh Kr. Mishra, AC to SC-26
For the State	:	Mr. Naresh Dikshit, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 25-03-2025

Heard Mr. Manish Kumar, learned counsel for the petitioner, learned counsel for the State and learned counsel for the Mines Department.

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

*(A) For issuance of a direction(s),
order(s) or writ(s) in the nature of Certiorari
setting aside the E-CHALLAN dated 19/07/2024
issued from the office of District Mining Office,*

Darbhanga under Mines and Geology Department, as contained in Annexure-6, whereby and where under it was directed to pay amount Rs. 2,85035.00 (Rupees Two Lac Eighty Five Thousand Thirty Five Only) regarding Mineral Concession and Renewal Tax of vehicle No.- BR06G9619 and it was in the name of Deepak Kumar; representative of the petitioner in the most arbitrary and mechanical manner.

(B) For issuance of a direction(s), order(s) or writ(s) including writ in the nature of Mandamus commanding the concerned respondent authorities to direct them to release the truck bearing Registration. No-BR06G9619 forthwith in favour of the petitioner; which was seired by the Mining Inspector, Darbhanga (Respondent No.-7) on 26/06/2024 and it was handed over in the custody of S.H.O., Baheri Police Station, Darbhanga (Respondent No.-8) on the ground that driver failed to produce the valid challan.

(C) Any other writ/writs for granting any other relief / reliefs for which the petitioners are found entitled to in the facts and circumstances of the present case.

3. Learned counsel for the petitioner submits that the petitioner is the owner of the truck (Goods Carrier) having Registration No.- BR06G9619 (hereinafter referred to as “Vehicle in question” in short only). Learned counsel for the petitioner submits that on 23.06.2024 from the vehicle in question Stone Chips was dispatched, as per mining challan

issued by the competent authority from M/S Sri Shyam Stone Works, Marikutti, Sahibganj (Jharkhand) to M/S BSC CANDC JV 88B in the District of Darbhanga. The petitioner has received the valid challan with regard to the vehicle in question and the same was valid up to 24.06.2024. Learned counsel for the petitioner submits that the vehicle in question was seized by the Mining Inspector, Darbhanga (Respondent No.-7) and the same was handed over in the custody of S.H.O., Baheri Police Station, Darbhanga on the ground that that driver of the vehicle in question has failed to produce the valid challan. Learned counsel for the petitioner submits that aggrieved by the action of the respondent no. 7, the petitioner has submitted an application before the District Mining Officer, Darbhanga (Respondent No. 6) on 29.06.2024 and respondent no. 6 has disposed of the same vide order dated 17.08.2024 by which the respondent no. 6 has directed the petitioner to deposit Rs. 2,95,664/- as a fine and after depositing the aforesaid amount, the vehicle in question would be released in favour of the petitioner.

4. Learned counsel for the Mines Department submits that the order passed by the District Mines officer is applicable before the District Magistrate, Darbhanga under Section 56 of

the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.

5. Having heard the learned counsels for the parties and in view of the submission made by the learned counsel for the Mines Department, the writ petition is disposed of with the direction to the petitioner to file a statutory appeal under Rule 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 before the District Magistrate (respondent no. 4) and if the petitioner files the statutory appeal within a period of two weeks then the respondent no. 4 is directed to pass a reasoned and speaking order in accordance with law and after hearing the petitioner dispose of the appeal of the petitioner within a period of eight weeks.

6. With the aforesaid direction/liberty, the present writ petition is disposed of.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.03.2025
Transmission Date	NA