

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13967 of 2023

M/S Shyam Enterprises through its Prop. Sanjeev Kumar, aged about 40 years, Gender- Male, Son of Shyam Sundar Sah, Resident of Village- Laxmipur, Near Gramin Bank Post- Laxmipur, P.S- Laxmipur, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Additional Chief Secretary-Cum-Mines Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
3. The Bihar State Mining Corporation, Limited, Patna, Vikash Bhawan, Bailey Road, Patna.
4. The Managing Director, Mining Corporation Limited, Vikash Bhawan, Bailey Road, Patna.
5. The General Manager, Bihar State, Mining Corporation Limited, Vikash Bhawan, Bailey Road, Patna.
6. The Director, Department of Mines and Geology, Government of Bihar, Patna.
7. The District Magistrate, Jamui.
8. The District Mines Officer, Jamui.
9. The Mines Inspector, District Mines Office, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate Mr. Jay Prakash Singh, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA-7
For the Mines Dep.	:	Mr. Naresh Dikshit, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-02-2025 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Mines Department.

2. The present writ application is filed for quashing the order as contained in letter no. 435 dated 21.03.2023 issued under the signature of the Respondent No. 5 whereby and whereunder



the Respondent No. 5 has demanded Rs.53,02,025/- (Fifty three Lacs Two Thousand and Twenty Five Rupees) which has been imposed as fine for the alleged mining beyond the prescribed area.

3. Learned counsel for the petitioner outrightly submits that before passing of the impugned order which was based upon the inspection report of the officers of the Mines Department, petitioner has not been noticed before passing of the impugned order. Apart from that, from bare perusal of the inspection report which was annexed with the counter affidavit of the Mines Department as Annexure R/A, it appears that although the inspection was carried out, but, no one was present on behalf of the petitioner at the time of inspection of the mining site.

4. In view of the aforesaid order dated 21.03.2023 (Annexure-6) is hereby set aside and matter is remanded back to the Respondent No. 7 and Respondent No. 7 is directed to pass a fresh order in accordance with law after hearing the petitioner and inspections must be carried out in presence of the representation of the petitioner.

5. With the aforesaid direction, the present writ application is allowed.

(Rajesh Kumar Verma, J)

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