

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16314 of 2024

Sanjay Kumar Singh S/o-Late Anant Singh Resident of Village/ Muhalla New
Police Line Vashishth Nagar Ara, P.S. Nawada, District Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner Mining, Bihar, Patna.
2. The Director Mining Department Bihar, Patna.
3. The Assistant Director Mining Bhojpur at Ara.
4. The Collector Bhojpur at Ara.
5. The District Mining Officer Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh
For the Respondent/s	:	Mr. Government Pleader (27)
For the Mines	:	Mr. Naresh Dikshit, Spl. PP
		Ms. Shruti Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 11-11-2025 Heard the learned counsel for the petitioner, the

learned counsel for the State and the learned counsel for the

Mines Department.

2. This application has been filed for quashing the

Memo no. 1944/M, Patna dated 30.04.2022 issued by

Respondent No. 1 and the letter No. 3767 dated 22.10.2021

issued by the Respondent No. 4 by which the Revision Case No.

01/2021 has been dismissed by Respondent No. 1 affirming the

letter No. 3767 dated 22.10. 2021 issued by the Collector,

Bhojpur Ara by which he has refused to provide user I.D. and

password for lifting the remaining sand/stock out of total buffer



stock of 1, 25, 696 CFT.

3. From the reading of the Letter No. 3767 dated 22.10.2021 issued by the Collector, Bhojpur at Ara, it is apparent that the petitioner was not heard before the passing of the order, though the Collector had recommended for extension of time. The order of the Collector dated 22.10.2021 has been affirmed by the Mines Commissioner (Respondent No.1) on 30.04.2022.

4. Considering the law laid down by the Hon'ble Supreme Court in the case of *S.N. Mukherjee v. Union of India*, reported as (1990) 4 SCC 594 and *Kranti Associates (P) Ltd. v. Masood Ahmed Khan*, reported as (2010) 9 SCC 496, the petitioner should have been heard before passing the order dated 22.10.2021 and the principles of natural justice should have been followed.

5. In view of the above, the writ petition stands allowed. Accordingly, Memo No. 1944/M dated 30.04.2022 issued by Respondent No. 1 and Letter No. 3767 dated 22.10.2021 issued by the Respondent No. 4 are hereby quashed. The matter is remanded back to the Collector, Bhojpur at Ara for fresh consideration in accordance with law, after providing the petitioner a reasonable opportunity to be heard.



6. The Collector, Bhojpur at Ara will pass a fresh order in accordance with law after hearing the petitioner within six weeks from the date of receipt/communication of a copy of this order.

(Sandeep Kumar, J)

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