

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16586 of 2024

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Shailesh Transport Corporation a proprietorship firm having its place of business at Om Bhawan, Beside Laxmi Narayan Mandir, Dhansar, Raja Sbera, Dhanbad, Jharkhand-828106 through its authorized representative namely Md. Nesar Ahmad, male aged about 57 years, son of Lal Mohammad Resident of Quarter Number DK-4/64, Domgarh, Sindri, Dhanbad, Jharkhand-828122.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Bihar State Mining Corporation Limited Patna through its Managing Director.
3. The Managing Director, Bihar State Mining Corporation Limited, Patna.
4. The General Manager, Bihar State Mining Corporation Limited Patna.
5. The Chief Executive Officer, Bihar State Mining Corporation Limited Patna.
6. The District Collector, Bhojpur, (Cluster number 32 of River Sone).
7. The Assistant Director, District Mining Office, Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate
For the State	:	Mr. AC to GA 9
For the Mines Dept.	:	Mr. Naresh Dikshit, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 16-01-2025

Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the State as well as
Mines Department.

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



a) For issuance of a writ in the nature of certiorari for quashing of the letter bearing reference number 3464/Khanan dated 10.09.2024 issued by the respondent number 7 whereby the petitioner has been imposed with a penalty for 22,68,75,000/- under rule 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 (hereinafter referred to as the rules 2019 for short) for alleged irregularities committed at sand ghat/cluster no-32, Sarimpur Bachri sand ghat-02 in Bhojpur with immediate effect;

b) For issuance of a writ or order or direction restraining the respondent corporation and its authorities at various levels from taking any coercive action against the petitioner for recovery of the amount of penalty in terms of the impugned order;

c) For grant of any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that earlier the petitioner has moved before this Court in C.W.J.C No. 3879 of 2023 and the same was disposed of vide order dated 20.07.2023 with the direction to the authority concerned to act in accordance with law after issuing notice to the petitioner.

4. Learned counsel for the petitioner further submits that pursuant to the direction of this Court in order dated 20.07.2023 passed in C.W.J.C No. 3879 of 2023, the petitioner had received the notice dated 25.08.2023 (Annexure



P/8). Thereafter, the petitioner had filed reply to the notice on 02.09.2023 (Annexure P/9). He further submits that thereafter, the authority has passed the impugned order dated 10.09.2024 and from perusal of the order dated 10.09.2024 it appears that the authority had not considered the reply to the show cause notice filed on behalf of the petitioner in the present case.

5. Learned counsel for the Mines Department has filed a counter affidavit and submits that the petitioner may move for statutory appeal before the authority concerned.

6. Considering the aforesaid facts, it appears that the impugned order dated 10.09.2024 has been passed without considering the reply of the petitioner. Hence, the impugned order dated 10.09.2024 is hereby set aside and the matter is again remitted back to the Respondent No. 7.

7. The Respondent No. 7 is directed to issue notice to the petitioner and the petitioner is directed to file reply for the same. The Respondent No. 7 is directed to pass fresh and speaking order in accordance with law after hearing the petitioner, within a period of three months from the date of production/receipt of copy of this order.



8. With the aforesaid direction, the writ petition
stands allowed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.01.2025
Transmission Date	NA

