

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18948 of 2025

M/s Upendra Nikhil High Tech Construction Pvt. Ltd. having its registered office at Fazalganj, Kanserwa, Infront of D.M. Colony Old G.T. Road, Sasaram, Dist.- Rohtas, Bihar - 821115, through its Director namely Upendra Singh, Male-aged about 53 years, Son of Late Kailash Singh, R/O Near Devi Temple, Pansa, Palamu, District-Palamu (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Director, Department of Mines and Geology, Government of Bihar, Patna.
3. The Member Secretary, Bihar State Pollution Control Board, Patna.
4. The District Mining Officer, Department of Mines and Geology, District - Aurangabad.
5. The Regional Officer, Bihar State Pollution Control Board, District - Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate Mr. Rajnikant, Advocate Mr. Masoom Raza, Advocate
For the Respondent/s	:	Mr. Standing Counsel (16)
For the Mines	:	Mr. Naresh Dikshit, Spl. P.P. Ms. Kalpana, Advocate Ms. Shruti Singh, Advocate
For the BSPCB	:	Mr. Kumar Ravish, Advocate Mr. Rohit Kumar, Advocate Mr. Ayush Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 13-01-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner has moved the Court for the following reliefs:

*“i. For issuance of writ in the nature of
Certiorari for quashing the order dated*



05.11.2025 issued under the signature of Mineral Development Officer, Aurangabad bearing Letter no.1581 dated 05.11.2025 (Annexure P8), whereby and whereunder, the application filed by the Petitioner to issue/reopen the Petitioner's User ID 033199182001 to enable generation of transport challans/e-challans for dispatch and sale of the balance stocked sand from the Petitioner's stock-hold area at Aurangabad, Sone Balukhand-23A has been rejected arbitrarily and without granting any opportunity of hearing.

ii. For issuance of writ in the nature of Mandamus commanding the Respondents not to interfere with the movement of stock of sand for which the Petitioner has already paid the royalty and the Sand stock belongs to the Petitioner exclusively.”

3. The limited contention of learned counsel for the petitioner is that the order dated 05.11.2025 has been passed by the respondent no. 4 without hearing the petitioner and without considering the representation of the petitioner which is against the principles of natural justice.

4. Learned counsel for the Mining Department has supported the impugned order and has submitted that the representation of the petitioner was considered and there is no requirement of hearing the petitioner.

5. I have considered the submissions of the parties.

6. When an order is being passed against the petitioner, the basic requirement of principles of natural justice is that the petitioner should have been heard and his contention



should have been considered.

7. In these circumstances, this application is allowed.

8. Consequently, the impugned order dated 05.11.2025 passed by the Mineral Development Officer, Aurangabad bearing Letter no.1581, is hereby quashed and set aside.

9. The matter is remitted back to respondent no. 4 for passing a fresh order after hearing the petitioner and considering the contentions of the petitioner within 15 days of appearance of the petitioner before the respondent no. 4.

10. In the meantime, the stock in question shall not be disturbed i.e., no third party right shall be created by the respondents.

(Sandeep Kumar, J)

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