

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8878 of 2011

1. Rama Kant Diwedi son of Late Ram Vilas Diwedi, resident of Village - Ben,
Post- Bentiary, P.S.- Sahabganj, District - Chandauli (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Kaimur (Bhabua).
3. Assistant Mining Officer, Rohtas at Sasaram-Cum-Kaimur at Bhabua
4. Mines Inspector, Kaimur at Bhabua
5. Anchal Adhikari, Chand , District - Kaimur at Bhabua

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. RAJANI KANT PANDEY

For the Respondent/s : Mr. Rajendra Prasad, Spl. PP (Mines)

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-07-2015

Heard counsel for the petitioner.

The deposit of security money was integral part of the award of lease. Lease was awarded. If the petitioner could not exploit the minerals as to what ever be the story he has to offer, there is no question of refund of security money. He can very well file a suit for declaration and damages arising out of the subsisted contract or within the provision of the agreement. This Court will not give any direction for refund of security money in favour of the petitioner in absence of any law or contract in this regard.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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