

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15996 of 2011

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M/s Laxmi Stone Chips, through its prop. Devanand Singh, S/o Anil Singh,
R/o village – Nahauna, P.S. Sasaram (M), Distt. – Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Mines and Geology, Bihar, Patna.
3. The District Magistrate, Rohtas.
4. Assistant Director, Mines & Geology, Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr. Rajendra Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 05-08-2015

At the very outset, Sri Rajendra Prasad, learned counsel for the respondent/Mines & Geology Department, in view of facts disclosed in the counter affidavit, raises preliminary objection on the point of maintainability of the writ petition. He submits that against the order impugned, as contained in **Annexure – 1**, whereby licence of the petitioner has been cancelled, there is statutory remedy available to the petitioner under the provision of Bihar Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2003.

In view of objection being raised by learned counsel for the respondent, learned counsel for the petitioner makes a prayer for disposal of the present writ petition so that the petitioner may avail statutory remedy.

The prayer is allowed.

The writ petition stands disposed of granting liberty to the petitioner to avail statutory remedy.

It goes without saying that if the petitioner approaches the authority concerned invoking statutory jurisdiction within a period of six weeks from today, the authority concerned is required to examine the same on its merit and pass order in accordance with law. This order has been passed in view of the fact that the petitioner after the impugned order had approached this Court by filing the present writ petition and the matter was pending before this Court since 15-09-2011.

The writ petition stands disposed of with liberty, as indicated above.

(Rakesh Kumar, J.)

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