

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20021 of 2014

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Pawan Kumar, son of Late Girdhari Lal, Resident of Mohalla-Barah Pathar, Dehri-on-Sone, P.O. and P.S. Dehri-on-Sone, District-Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Mines Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
3. The Law Officer, Department of Mines and Geology, Government of Bihar, Patna.
4. The Collector-cum-District Magistrate, Rohtas at Sasaram, District- Rohtas at Sasaram.
5. The Assistant Director, Mines & Geology, Rohtas at Sasaram, District- Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S B K Mangalam

For the Respondent/s : Mr. DEVENDRA KR SINHA, Sr. Counsel (Mines)

Mr. Rajendra Prasad, Spl. PP (Mines)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-07-2015

Since the name of the petitioner is same in the two writ applications, by mistake the counter affidavit of CWJC No. 20021 of 2014, filed on behalf of respondent Nos. 4 and 5, has been tagged with CWJC No. 14129 of 2014 because of wrong writ number having been recorded therein.

Let the said counter affidavit be withdrawn by the State counsel to be filed in CWJC No. 20021 of 2014. The State counsel will correct the writ number of the counter affidavit of respondent Nos. 4 and 5.

Heard counsel for the parties for final disposal.

The Court has gone through the order contained in Anneuxre-15, whose quashing petitioner is seeking in the present writ application. The order

dated 16.4.2014 passed by the Mines Commissioner, Department of Mines & Geology, Government of Bihar, Patna, does not warrant interference in so far as it relates to refusal by him to extend any benefit arising out of lease in view of the changed facts and circumstances, which are amendment in the rules as well as directions issued by the Hon`ble Apex Court in Deepak Kumar Vs. State of Haryana and others.

However, one aspect of the matter, which is refund of the security deposit made by the petitioner, is required to be considered by the Mines Commissioner afresh in accordance with law.

If the petitioner files an application for refund of the security money, an early decision preferably within a period of three months must be taken.

Writ application is disposed of with above direction.

No other dispute with regard to the lease shall be entertained if raised on behalf of the petitioner. Matter must rest at that.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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