

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16252 of 2014

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Dilip Prasad Son of Nand Kishor Prasad Resident of Village and Post
Office - Brindawan, Police Station Ariari, district - Sheikhpura

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Mines and Geology, Bihar, Patna.
3. The District Magistrate, Sheikhpura.
4. The Director, Mines and Geology Bihar, Patna.
5. The Mines Development Officer, Sheikhpura.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Respondent/s : AC to SC – 19
Mr. Rajendra Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 24-09-2015 Heard Sri Pankaj Kumar, learned counsel for the
petitioner, learned A.C. to Standing Counsel – 19 as well as Sri
Rajendra Prasad, learned counsel for the respondent/Mines &
Geology Department.

The petitioner, in the present writ petition, has prayed
for quashing of an order dated 10-07-2014 passed by the
respondent no. 5/Mines Development Officer, Sheikhpura,
whereby, the mining license of the petitioner has been cancelled.

At the very outset, learned counsel for the
respondent/Mines & Geology Deptt. has raised preliminary
objection on the point of maintainability of the writ petition. He
submits that despite there is statutory provision of revision under

the Bihar Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2003, the petitioner has directly approached this Court.

After noticing the objection, learned counsel for the petitioner makes a prayer for disposal of the writ petition so that the petitioner may avail appropriate remedy.

The prayer is allowed.

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

It goes without saying that the period consumed while pursuing the present writ petition i.e. from 16-09-2014 till date shall be excluded while considering the limitation matter.

(Rakesh Kumar, J.)

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