

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5185 of 2009**

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M/S Lanco Rani Joint Venture a Partnership Firm having its Registered office at Lance House, 141 Avenue# 8, L.V. Prasad Marg, Banjara Hills, Hyderabad, Andhra Pradesh, through its authorized signatory and the administrative officer, Sri K.K. Das, authorized by power of attorney the authorized signatory of the partnership firm Sri G. Gundiah, s/o Late Sri Anil Kumar Das, R/o Roop Narayan Arcade, N.H. 34 Narayan Sarani, Dalkola, District- North Dinajpur, West Bengal.

.... .... Petitioner/s

Versus

- 1.The State of Bihar through the Principal Secretary cum commissioner, Department of Mines, Old Secretariat, Patna.
- 2.The District Magistrate, Purnea, District Purnea.
- 3.The District Mining Officer, Purnea, District Purnea.
- 4.The Assistant Mining Officer, Purnea, District Purnea.
- 5.The Mines Inspector cum Competent Authority, Purnea, District Purnea.

.... .... Respondent/s

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**Appearance :**

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|--------------------------------|---|----------------------------------------------------------------------|
| For the Petitioner/s           | : | Mr. Mrigank Mauli, Adv, Mr. Alok Singh Adv and Mr. Vinay Mistry, Adv |
| For the respondent nos 6 to 7: | : | Mrs. Kanak Verma, C.G.C.                                             |
| For the State                  | : | Madhubala Verma AC to GA-2                                           |

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL JUDGMENT**

4      13-01-2015              Heard learned counsel for the parties.

Having regard to the fact that the petitioner seeks to assail a revisable order without even exhausting the statutory remedy of revision as prescribed under Bihar Mineral Prevention of Illegal Mining Transportation and Storage Rules 2003, this Court for the time being would refuse to go into the correctness of the impugned orders dated 3.10.2008, 26.12.2008 and 9.3.2009 and/or enter into merit in respect of either of the two following

prayers made in this writ application, namely:-

*“For issuance of Writ in the nature of certiorari, quashing the Memo No. 918 dated 3.10.08 and Memo No. 1362 dated 26.12.008 and memo no. 243 dated 09.03.09 and as contained in Annexure 15 Annexure 17 and Annexure 19 respectively whereby the petitioner has been asked to deposit an amount of Rs. 72 Lacs as Reserve Money for grant of Stockist Licence for Storage of Stone Boulders.*

*For issuance of writ in the nature of mandamus directing the respondent not to insist upon the petitioner to take out Stockist Licence under the provision of Bihar Minerals Prevention of Illegal Mining, Transportation and Storage Rules, 2003(hereinafter referred to as the ‘Rules’) as the same has no applicability to the likes of the petitioner who run the Stone Crusher Units for their own consumption.”*

As a matter of fact, the respondents in paragraph no. 29 of the counter affidavit also have raised a question of maintainability of the writ application on the ground that the order under challenge, passed by the competent officer under Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 is revisable before the Commissioner of Mines within a period of thirty days from the date of the order.

In that view of the matter, while this writ application is dismissed on the ground of non exhausting of the statutory alternative remedy but then it is made clear that since the petitioner has filed this writ application on 22.04.2009, if such revision application is

filed by the petitioner within a period of one month from the date of receipt/production of a copy of this order, such revision application shall be entertained and decided by the Mines Commissioner on merit without non suiting the petitioner on the ground of delay/limitation, if any.

With the aforementioned observation and direction, this application is disposed of.

**(Mihir Kumar Jha, J)**

Ranjan/-  

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