

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8168 of 2014

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1. M/s Pramod Kumar, Proprietor Pramod Kumar Son of Rajo Yadav, Mauza and village - Nemdarganj, P.S. and District - Sheikhpura
 2. M/s Pawan Stone Works, Proprietor Jitan Yadav Son of Late Ram Briksh Yadav, resident of Mauza Kasturipur Pain, village - Nemdarganj, P.O. Audhey, P.S. and District - Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Bihar, Patna
2. The Principal Secretary, Department of Mines and Geology, Bihar, Patna
3. The Commissioner - cum - Secretary, Department of Forest, Bihar, Patna
4. The Mineral Development Officer, Department of Mines and Geology, Sheikhpura (Bihar)
5. The District Magistrate, Sheikhpura (Bihar)
6. The Chairman, Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Patna - 800 023
7. The Member Secretary, Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Patna - 800 023
8. The Divisional Forest officer, Sheikhpura (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vindhayachal Singh

For the Respondent/s : Mr. Devendra Kumar Sinha, Sr. Counsel
Mr. Alok Kumar Rahi
Mrs. Binita Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 10-08-2015 Heard Sri Vindhyachal Singh, learned counsel for the petitioners, Sri Devendra Kumar Sinha, learned senior counsel , who was assisted by Sri Alok Kumar Rahi, learned counsel for the respondent /Mines & Geology Department as well as Smt. Binita Singh, learned counsel for the respondent / Bihar State

Pollution Control Board.

In the present writ petition the petitioners have basically prayed for quashing of orders (Annexure 6 Series to the writ petition), whereby the licence issued to the petitioners under the provisions of Bihar Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2003 has been cancelled. The Court is of the opinion that since against the orders impugned there is statutory remedy available to the petitioners under Rule 12 of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 the petitioners without exhausting the statutory remedy may not be allowed to invoke writ jurisdiction of this Court.

The court is of the opinion that instead of interfering with the matter the writ petition can be disposed of granting liberty to the petitioners to avail statutory remedy.

Accordingly, the writ petition stands disposed of.

It goes without saying that if within a period of six weeks from today the petitioner approaches the Revisional Authority, the Revisional Authority may examine the Revision on its own merit and decide the same in accordance with law.

This order has been passed in view of the fact that after the order passed by licensing authority the petitioners

immediately approached this court and the writ petition was pending before this court.

(Rakesh Kumar, J)

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