

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3726 of 2015

- =====
1. Anuranjan Kumar, Son of Late Nand Kishore Prasad Singh, resident of village- Gopalpur, P.O.- Makhar, P.S.- Akbarpur, District- Nawadah.
 2. Manoj Prasad Singh, son of Late Hari Nandan Singh, resident of village- Gopalpur, P.O.- Makhar, P.S.- Akbarpur, District- Nawadah
- Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines, Government of Bihar, Patna.
2. The Director, Department of Mines, Government of Bihar, Patna.
3. The Assistant Director, Department of Mines, Nawadah, District- Nawadah
4. The District Magistrate, Nawadah
5. The Sub-Divisional Officer, Nawadah, District- Nawadah
6. The Bihar State Pollution Control Board through its Secretary, having its office at Beltron Bhavan, IInd Floor, Shastri Nagar, Patna- 800023
7. Tawinderjit Mining and Construction Limited.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Arun Kumar, Advocate
For the Respondent Nos.1 to 3: Mr. D. K. Sinha, Senior Advocate
Mr. Rajendra Prasad, Spl. P. P.
For the Respondent Nos. 4 & 5: Mr. Ashok Kumar Choudhary- AAG 13
Mr. Anil Kumar Tiwary, A.C. to AAG-13
For the Respondent No.6 : Mr. Shivendra Kishore, Senior Advocate
For the Respondent No.7 : Mr. Ashok Kumar Singh, Senior advocate
Mr. Anil Kumar Singh, Advocate

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 02-12-2015

This is a Public Interest Litigation, wherein allegations have been made to the effect that respondent No.7, namely, Tawinderjit Mining and Construction Limited, has been allowed by the State-respondents including respondent No.6, namely, the Bihar State Pollution Control Board, Patna, to establish and operate mining activities, at Gopalpur village, in



violation of the law inasmuch as the Bihar State Pollution Control Board, Patna, has granted clearance certificate to respondent No. 7, namely, Tawinderjit Mining and Construction Limited, to carry on mining activities at Gopalpur village by establishing its place of business close to several schools at village road of Gopalpur within the district of Nawadah. It is also alleged in this public interest litigation that due to frequent use of the road by the trucks of respondent No. 7, dust particles engulf the whole area causing health hazard to the inhabitants of the local area.

The lease allowing the mining activities by respondent No.7, namely, Tawinderjit Mining and Construction Limited, had come to an end by efflux of time; but by virtue of the order, dated 18.12.2013, passed, in CWJC No.13479 of 2013, by a learned single Judge of this Court, the lease was extended for a further period, which came to expire on 29.11.2015, but since thereafter, no extension of the lease has been, admittedly, granted by the State-respondents.

In fact, it has been submitted by Mr. Ashok Kumar Singh, learned Senior Counsel, appearing on behalf of respondent No.7, that respondent No.7 would dismantle its establishment and will also remove its properties lying at the site

of the mining area. This apart, Mr. Rajendra Prasad, learned Special Public Prosecutor (Mines), appearing on behalf of respondent Nos.1 to 3, has submitted that mining activities of respondent No.7 has come to an end on 29.11.2015 and no extension of lease has been granted. The fact that the mining lease of respondent No.7 stands expired, is not in dispute.

From what have been pointed out, it is clear that this public interest litigation has become infructuous; more so, when we notice that according to the State-respondent, the respondent No.4, namely, the District Magistrate, Nawadah, has already issued direction for repairing of the village road, which had been used by the respondent No.7. In fact, these facts are not in dispute.

Situated thus, we are of the view that no further direction needs to be issued except that the State-respondents need to be directed to ensure that in future, no industry or mining activities be allowed to be established and carried on except strictly in accordance with law.

It is further directed that if the Department of Mines, Government of Bihar, Patna, decides, at any point of time, in future, to allow mining activities in the area, in question, it must ensure that route chart for the vehicles, carrying stone

chips, is indicated in the notice inviting tender.

Having regard to the fact that *First Information Report*, bearing Akbarpur Police Station. Case No.264 of 2014, under Sections 341, 342, 385, 387 and 506 of the Indian Penal Code, has been registered against one Vijay Singh and four-five unknown persons, the Superintendent of Police, Nawadah, is hereby directed to ensure that the investigation of the case is carried on expeditiously and the same is taken to its logical conclusion in accordance with law.

With the above observations and directions, this public interest litigation stands disposed of.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

Sunil/-

U			
---	--	--	--