

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17992 of 2014

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Diwan Hazeefuddin Khan Son of Hazi Riyazuddin Khan, resident of
Village- Madurna, P.S. Chainpur, District Kaimur, Bihar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, null Department of Mines and Geology, Government of Bihar, Patna
2. The Mines Commissioner, Department of Mines and Geology, Government of Bihar, Patna
3. The District Magistrate cum Collector, District Kaimur (Bhabhua)
4. The Assistant Mining Officer, District Kaimur (Bhabhua)
5. The Competent Officer cum Mines Inspector, District Kaimur (Bhabhua)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan

For the Respondent/s : Mr. Devendra Kr Sinha, Sr. Counsel

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 12-08-2015 Heard Sri Prabhat Ranjan, learned counsel for the petitioner and Sri Devendra Kumar Sinha, learned senior counsel, who was assisted by Sri Alok Kumar Rahi, learned counsel for the respondent /Mines and Geology Department.

The petitioner, in the present writ petition has assailed the order dated 20.10.2013 passed by the District Magistrate, Kaimur, in Mines & Mineral Case No. 14 of 2011 -12. By the said order prayer for grant of mining lease to the petitioner has been rejected.

At the very outset, learned senior counsel for the respondent raises a preliminary objection on the point of

maintainability of the writ petition. He submits that there is statutory remedy against the impugned order under the provisions of Bihar Mines & Minerals Concession Rules, 1972.

Learned counsel for the petitioner submits that since in the writ petition the petitioner has challenged the very jurisdiction of the authority concerned, the objection which is being raised by the respondent may not be entertained.

The court is of the opinion that if there is statutory remedy, then, in that event, this court may not exercise its writ jurisdiction.

The writ petition stands dismissed since the petitioner has not availed the statutory remedy.

(Rakesh Kumar, J)

Praful/-

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