

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13873 of 2012

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1. Dhananjay Kumar Singh Son Of Late Deobansh Singh Resident Of Village-
Karwandia, P.O.- Karwandia, P.S.- Sasaram (Muffasil), District- Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary-Cum-Commissioner, Department Of Mines and Geology,
Government of Bihar, Patna
3. The Collector, Rohtas at Sasaram
4. The Assistant Director, Mines and Geology, Rohtas at Sasaram

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Sr.
Advocate.

For the Depatt. Of Mines and Geology : Mr. D.K. Sinha , Advocate.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 06-12-2016

Heard Mr. Ashok Kumar Singh, Sr. Advocate, for the
petitioner, Mr. D.K.Sinha, Sr. Advocate for the respondent-
Department of Mines and Geology and the State.

The petitioner is an individual and prays for quashing of
the order dated 23.06.2012 passed by the District Collector, Rohtas
terminating the mining lease of the petitioner with certain directions.
During the pendency of the application, the appeal/revision filed by
the petitioner stood rejected which has been challenged by filing I.A.
No. 1431 of 2014. Another Interlocutory Application being I.A. no.
5084 of 2016 has been filed for seeking additional relief in the
present case by way of grant of compensation and statutory interest.



Mr. Singh after making diverse submissions in support of the application submits that the petitioner would now press for the relief sought through I.A. No. 5084 of 2016 by requesting the appropriate /competent authority of the Mining Department for refund of the excess money deposited together with the statutory interest as well as the compensation.

Mr. D.K. Sinha, on the other hand, raised diverse objections to the maintainability of the writ petition. It is stated that at one point of time an individual files litigation whereas at times the firm created by the petitioner files litigation and on other occasion, the petitioner himself files such application or litigation. The auction of the property was made in favour of an individual who was the bidder but subsequently he created a partnership firm of several individuals. However, advertng to the alternative submissions made by the petitioner, it has been submitted that any such claim supported by law can be made before the appropriate /competent authority of the respondent State for consideration and passing appropriate order in accordance with law.

Considering the submissions made at Bar, I am inclined to dispose of the application by following order:-

Let the auction purchaser file appropriate application before the respondent-District Collector who is stated to be the



appropriate/competent authority of the State Government for refund of the excess deposit(s), if any, made by the petitioner as also payment of statutory interest thereover besides grant of compensation, if supported by law, within 04 weeks whereafter the respondent- District Collector will bestow consideration thereover and, if need be, provide an opportunity of hearing to the petitioner and thereafter pass appropriate but reasoned order within 02 months from the date of filing of such application/representation along with a copy of the present order.

All pending Interlocutory Applications are also disposed of.

(Kishore Kumar Mandal, J)

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