

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1927 of 2012

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Krishna Murari Prasad, S/O Late Biswnath Prasad, R/O 29 Mohan Nagar
Koili Pokhar Gebal Bigha, Police Station - Rampur, District – Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Sri Navin Kumar, the Chief Secretary, Bihar, Patna.
2. Mrs. Vandana Preyashi, the District Magistrate, Gaya.
3. Sri Sanjay Kumar Singh, the Assistant Director, Mines and Minerals, Gaya.
4. The District Mines Officer, Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Bharti

For the Opp. Party/s : Mr. Devendra Kr Sinha, AAG-2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 18-05-2016

Heard the parties.

The writ petition was filed seeking a direction to the respondent-opposite parties to complete the process for settlement of quarrying lease in respect of the stone block present beneath the raiyati land of the petitioner bearing Plot no. 162 (old)/560 (new), Thana No.484, Mauza Paharpur, P.S. Amas, Sherghati in the district of Gaya. The writ petition was disposed of with a direction to the District Magistrate, Gaya to complete the selection process either by way of auction or settlement within a period of three months from the date of receipt/production of a copy of the order with the observations made in favour of the writ petitioner.

The Mining Department went in appeal and the order of the Division Bench in L.P.A. No. 982 of 2012 is present at Annexure-3. The Division Bench has even while dismissing the appeal, concluded as follows:

“Before concluding, we would like to observe that the writ petitioner, being the raiyat of the land in question, would be seeking no lease from the Government for he is already a raiyat. He would only be seeking a quarrying permit subject to payment of royalty and taxes, as the law may be. Unless there is a policy decision of the Government that no permit can at all be issued to anyone anywhere, we see no reason why the writ petitioner would be deprived of this right which the law has granted to him.”

In view of the legal position so settled by the Division Bench as regarding the right of the petitioner to claim quarry rights over his raiyati land, he shall be at liberty to claim the same in the light of the order of the Division Bench.

In the circumstances discussed, no cause for proceeding in contempt arises and the present contempt application is accordingly disposed of.

(Jyoti Saran, J)

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