

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4235 of 2014

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1. Ashok Kumar Sharma Son of Manikchandra Sharma Resident of Village - Kushokhar, P.O. & P.S. Chakandra, District - Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Mining & Minerals, Bihar, Patna
2. The District Magistrate, Sheikhpura, District - Sheikhpura
3. The Sub - Divisional Officer, Sheikhpura, District - Sheikhpura
4. The District Mining and Minerals Officer, Sheikhpura
5. The District Mining and Minerals Development Officer, Sheikhpura
6. The Assistant District Mining and Minerals Officer Sheikhpura, District - Sheikhpura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

For the Respondent/s : Mr.

Mr. Rajendra Prasad, Spl. P.P. Mines

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-09-2017

Heard Mr. Siya Ram Shahi, learned counsel for the petitioner, learned counsel for the State and Mr. Rajendra Prasad learned counsel for the Mining Department.

The grievance of the petitioner as raised in the writ petition is that his request for release of the additional earnest money to the tune of Rs. 9 lacs deposited in terms of the open tender held on 2.8.2007 in respect of mining on Plot No.1692 in the district of Sheikhpura has not been returned, although in similar circumstances the additional earnest money deposit has been returned to other tenderers.

Mr. Shahi has invited the attention of this Court to the representation filed by the petitioner before the District Mining Officer, Sheikhpura on 21.9.2007 to submit that although the representation was received in his office and almost a decade is going



to lapse but has not been disposed by the District Mining Officer.

A counter affidavit is filed on behalf of the Mining Department but yet does not disclose a disposal. Though Mr. Prasad has relied upon a notice issued by the Assistant Mining Officer at Annexure-C to the counter affidavit to submit that the petitioner withdrew from the contest midway and following which a notice was issued for deposit of the installment failing which the security would be forfeited but he did not respond and abandoned the contest midway. Learned counsel for the Mining Department while making such submission yet is not in a position to inform whether any final order was passed either on forfeiture of security or on the request of the petitioner for return of the extra earnest money deposit.

Having heard learned counsel for the parties and considering that the counter affidavit of the Mining Department does not disclose as to the orders passed in the case of the petitioner, I deem it proper to dispose of the writ petition with the direction to the District Mining Officer, Mines and Minerals, Sheikhpura, the respondent No.4, to consider the grievance of the petitioner and dispose of the same in accordance with law within a period of 6 weeks from the date of receipt/ production of a copy of this order.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

