

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13859 of 2013

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Surendra Singh Son Of Late Ram Shakal Singh Resident Of Village- Mahajan Toli
No. 1, P.S.- Ara Nagar, District- Ara

.... Petitioner

Versus

1. The State Of Bihar
2. The Secretary Cum Commissioner, Department Of Mines And Geology, Bihar, Patna
3. The Collector, Rohtas Sasaram
4. The Assistant Director, Mines And Geology, Rohtas, Sasaram

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Mr. Rajendra Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-09-2017

Heard learned counsel for the parties.

A preliminary objection has been raised by Mr. Rajendra Prasad, learned counsel appearing for the Mining Department, to submit that the order bearing No. 905 dated 28.7.2012, impugned at Annexure 3, whereby the claim of the petitioner has been rejected by the Assistant Director, Mines and Geology, Rohtas at Sasaram is appealable before the Deputy Director, Mines under Rule 47 of the Bihar Minor Mineral Concession Rules, 1972 (hereinafter referred to as 'the Rules').

Mr. Sanjeev Kumar, learned counsel for the petitioner, while accepting that the period of lease has been expired submits that the calculation of interest on delayed payment of royalty, is not correct.



He, thus, prays for disposal of the writ petition to enable the petitioner to avail alternative remedy so available under Rule 47 of 'the Rules' in the light of the objection so taken by the State but submits that since the period of limitation has expired he may be appropriately protected.

Having heard learned counsel for the parties and considering that the issue which is sought to be raised by the learned counsel for the petitioner requires verification of facts on record, I deem it proper to dispose of the writ petition with the liberty to the petitioner to avail of the appellate remedy so available under Rule 47 of 'the Rules'.

It goes without saying that any such appeal being filed by the petitioner within six weeks from today, if accompanied with the petition for condonation of delay, shall be disposed of by the Deputy Director, Mines on its own merits in accordance with law after opportunity of hearing to the contesting parties.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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