

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12099 of 2017

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Westlink Trading Private Limited, A company registered under the Companies Act, 1956 having its Registered Office at D-504, Building No. 27, Sunshine Co-Op HSG SOC Ltd, Mahada Colony Chandivali, Mumbai- 400072 having its branch office at Mohalla Kailashpuri, P.O. +P.S. - Banda, District- Banda, Uttar Pradesh and local Office at Ist floor, Shivam Apartment, Anandpuri, West Boring Canal Road- 800001 through its Director Abhishek Kumar Singh S/o of Devendra Mohan Singh resident of Ist Floor, Shivam Apartment, Anandpuri, West Boring Canal Road- 800001

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-Cum-Principal Secretary, Department of Mines and Geology, Vikash Bhawan, Bailey Road, Patna-800001
2. The Joint Secretary-Cum-Director, Directorate of Mines and Geology, Vikas Bhawan, Bailey Road.
3. The Collector, Jamui, District- Jamui, Bihar.
4. The Collector, Lakhisarai, District Lakhisarai, Bihar.
5. Mineral Development Officer, District Mining Office, Jamui, District- Jamui, Bihar.
6. Mineral Development Officer, District Mining Office, Lakhisarai, District- Lakhisarai, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Advocate Mr. Prince Kumar Mishra, Advocate Mr. Sanket, Advocate
For the Intervenor	:	Mr. Samir Ali Khan, Advocate Mr. Saket Tiwary, Advocate
For the Mines Dept.	:	Mr. Naresh Dixit, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 21-08-2018

It is submitted by counsel appearing for the petitioner that he would approach the respondent no. 1 under revisional jurisdiction for relief which has been prayed for in the instant writ petition.



2. In view of the availability of alternative remedy which has been raised by the Special P.P for the Mines Department, the petitioner’s counsel is permitted to withdraw the writ petition with liberty to avail the revisional jurisdiction before the respondent no. 1.

3. It is however, made clear that if the petitioner is desirous to avail of the remedy of revision, he should make his application within a period of four weeks from today.

4. Since objection regarding maintainability of the writ proceedings in view of availability of the alternative remedy has been raised repeatedly by learned Spl. PP for the Mines Department, this Court would observe that interest of justice would be served if the petitioner’s case is considered on merit and time spent in the instant writ petition may not be held against the petitioner. The revisional authority should consider the claim of the petitioner on merits and dispose it off within a period of three months from the date of filing of the revision.

5. Writ is dismissed as withdrawn.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

