

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17809 of 2015

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1. Sunil Kumar Singh Son of Late Ram Janam Singh
 2. Kedar Singh son of late Sitaram Rai
 3. Ram Niwas Singh, son of Late Timal Rai
 4. Daroga Singh, son of Din Dayal Singh
 5. Rajgrihi Singh, son of Late Dhajadhari Singh
 6. Ashok Kumar Singh son of Mangal Singh
 7. Surendra Singh son of late Ram Naresh Singh All residents of village Nansagar, Post Office Nasaratpur, Police Station Sandesh, District Bhojpur at Ara

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, department of Home, Government of Bihar, Patna
2. The District Magistrate, Bhojpur at Ara
3. The Sub-Divisional Judicial Magistrate, Sadar, District Bhojpur at Ara
4. The Superintendent of Police, Bhojpur at Ara
5. The Officer-in-Charge, Sandesh Police Station, Bhojpur at Ara
6. Jai Prakash Yadav, son of Kabul Yadav
7. Bihari Yadav son of Ramashraya Yadav
8. Umesh Singh son of Ram Bhawan Singh
9. Balu Yadav, son of Awadhesh Yadav
10. Ram Laddu Yadav, son of Jagat Singh
11. Satya Narayan Yadav, son of Late Hulas Yadav
12. Birendra Yadav, son of Satya Narayan Yadav
13. Neeraj Yadav, son of Ramdhari Yadav
14. Jagdish Yadav, son of Late Gilas Yadav,
15. Ramdhari Yadav, son of Sadhu Yadav, Respondent Nos. 6 to 15 residents of village Nasaratpur Tola, P.S.- Nasaratpur, P.S. Sandesh, District- Bhojpur at Ara
16. The Mines and Mineral Department Govt. of Bihar, Patna.
17. The Transport Department Govt. of Bihar, Patna.
18. The Land Reforms Department Govt. of Bihar, Patna.

... .. Respondent/s

with
Letters Patent Appeal No. 328 of 2017
In
Civil Writ Jurisdiction Case No.17809 of 2015

1. Jai Prakash Yadav, Son of Kabul Yadav,
2. Bihari Yadav, Son of Ramashray Yadav,
3. Umesh Singh, Son of Ram Bhagwan Singh,
4. Balu Yadav @ Bablu Yadav, Son of Awadhesh Yadav,



5. Ram Ladu Yadav, Son of Jagat Singh,
6. Satya Narayan Yadav, Son of Late Hulash Yadav,
7. Birendra Yadav, Son of Satya Narayan Yadav,
8. Nijaj Yadav @ Niranjan Yadav, Son of Ramdhari Yadav,
9. Jagdish Yadav, Son of Late Gilash Yadav,
10. Ramdhari Yadav, Son of Sadhu Yadav, All resident of village - Nasratpur Tola, P.S. Sandesh, District - Bhojpur at Ara

... .. Appellant/s

Versus

1. Sunil Kumar Singh, Son of Late Ram Janam Singh,
2. Kedar Rai, Son of Late Sita Ram Rai,
3. Ram Niwas Singh, Son of Late Timal Rai,
4. Daroga Singh, Son of Deen Dayal Singh,
5. Rajgrihi Singh, Son of Late Dhajadhari Singh,
6. Ashok Kumar Singh, Son of Mangal Singh,
7. Surendra Singh, Son of Late Ram Naresh Singh, All resident of village - Nan Sagar, P.O. Nasaratpur, P.S. Sandesh, District - Bhojpur at Ara
8. The State of Bihar, through Principal Secretary, Department of Home, Government of Bihar, Patna
9. The District Magistrate, Bhojpur at Ara
10. The Sub - Divisional Judicial Magistrate, Sadar, District Bhojpur at Ara
11. The Superintendent of Police, Bhojpur at Ara
12. The Officer in Charge, Sandesh Police Station, Bhojpur at Ara

... .. Respondent/s

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with

Letters Patent Appeal No. 342 of 2017

In

Civil Writ Jurisdiction Case No.17809 of 2015

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M/s. Broadson Commodities Pvt. Ltd., Dr. Himanshu Complex, Block Road, Koilwar Chowk, P.S. Koilwar, District- Ara (Bhojpur) through its Director, Krishna Mohan Singh, Son of Late Parmeshwar Singh, Resident of Village- Bagmajhuan, P.S. Koilwar, District- Bhojpur at Ara.



... .. Appellant/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The Sub-Divisional Judicial Magistrate, Sadar, District- Bhojpur at Ara.
4. The Superintendent of Police, Bhojpur at Ara.
5. The Officer-in-Charge, Sandesh Police Station, Bhojpur at Ara.
6. Jai Prakash Yadav, son of Kabul Yadav,
7. Bihari Yadav son of Ramashraya Yadav
8. Umesh Singh son of Ram Bhawan Singh
9. Balu Yadav @ Bablu Yadav, son of Awadhesh Yadav
10. Ram Ladu Yadav, son of Jagat Singh
11. Satya Narayan Yadav, son of Late Hulas Yadav
12. Birendra Yadav, son of Satya Narayan Yadav
13. Niraj Yadav @ Niranjan Yadav, son of Ramdhari Yadav
14. Jagdish Yadav, son of Late Gilash Yadav,
15. Ramdhari Yadav, son of Sadhu Yadav, All Respondent Nos. 6 to 15 residents of village Nasaratpur Tola, P.S.- Nasaratpur, P.S. Sandesh, District- Bhojpur at Ara.
16. Sunil Kumar Singh son of Late Ram Janam Singh
17. Kedar Rai son of late Sita Ram Rai
18. Ram Niwas Singh, son of Late Timal Rai
19. Daroga Singh, son of Din Dayal Singh
20. Rajgrihi Singh, son of Late Dhajadhari Singh
21. Ashok Kumar Singh son of Mangal Singh
22. Surendra Singh son of late Ram Naresh Singh All residents of village Nan Sagar, Post Office Nasaratpur, Police Station Sandesh, District Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Shivendra Kishore, Sr. Advocate
Mr. Ambuj Nayan Chaubey, Advocate



For the Respondent/s : Mr. Sumit Kumar Jha, Advocate
Mr. P.K. Verma, AAG-3
Mr. Dr. Anand Kumar, AC to AAG-3
Mr. Ashok Kumar, Advocate
Mr. Naresh Dikshit, Advocate
Mr. Brij Bihari Tiwary, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 02-04-2018

These applications have been filed making a complaint with regard to illegal mining being carried out by the private respondents, particularly respondent Nos.6 to 15, the lease holders who are granted mining lease. C.W.J.C. Nos. 328 of 2017 and 342 of 2017 have been filed by the lease holders challenging certain interim orders in the matter of appointing an enquiry committee to look into the grievance of illegal mining.

Grievance of the appellants in these appeals is that the order of enquiry has been passed without hearing them, behind their back. However, during the course of hearing today, we are informed that with regard to the impugned orders and action taken in the matter of illegal mining, the statutory authority, namely the Principal Secretary, Mining Department-cum- Mines Commissioner has already passed an order finding that there is no



illegal mining and restored the mining activities with certain guidelines and instructions issued.

Now, in view of the above, it is not necessary for us to interfere into the matter as now mining activities are being carried out by the lease holders based on the orders passed by the statutory authority, as indicated hereinabove, after following the guidelines and instructions issued.

Now, if anyone has any grievance, they are required to challenge the order passed by the Principal Secretary-cum-Mines Commissioner, the original statutory authority, but in these proceedings indulgence by us is not called for.

Granting liberty to the concerned parties to ventilate further grievance by challenging the subsequent order passed by the statutory authority, as indicated hereinabove, all these appeals are disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.04.2018
Transmission Date	

