

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2793 of 2018

Bindhayachal Singh Son of Prabhu Narayan Singh R/o Village Masahi, P.O. Umapur, P.S. Bhagwanpur, District Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Cum Mines Commissioner, Mines, Govt. of Bihar, Patna.
2. The Additional Secretary, Government of Bihar, Patna.
3. Collector, Kaimur.
4. District Mining Officer, Rohtas, Sasaram.
5. District Mining Officer, Kaimur at Bhabhua.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Rewti Kant Raman, Advocate
For the State	:	Mr. K.K. Jha, AAG8
For the Mines Deptt.	:	Mr. Naresh Dixit, Spl. P.P., Mines

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 24-07-2018

Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the Mining Department.

2. This writ petition has been filed praying for direction that the respondents be restrained from realizing the amount, Rs.2,29,032.25/- plus interest thereon, as petitioner has not operated the mining work since 03.12.1996 to 11.10.2004 over 74 decimals of land of the lease hold area. Paragraph-11 of the writ petition reveals that the dispute regarding petitioner's entitlement to conduct his mining activities on 74 decimals of land in Plot No.837 is subject of Title Suit No.202 of 2005 filed by the petitioner in the court of Munsif, Bhabhua.



3. Since the issue is directly related to the relief prayed for in the said suit, the petitioner would be entitled to his rights as per the adjudication of Title Suit No.202 of 2005. There is no occasion for this Court to exercise jurisdiction in view of the said suit.

4. The writ petition is misconceived and is dismissed.

(Madhuresh Prasad, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

