

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11510 of 2018

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Piyush Kumar Son of Kumod Kumar Singh R/o Ward No. 15, Beehat, P.S. -
Beehat, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines & Geology, Patna.
2. The Principal Secretary, Department of Mines & Geology, Patna.
3. The Special Secretary cum Director, Department of Mines & Geology, Patna.
4. The District Magistrate, Lakhisarai.
5. The District Mining Officer, Lakhisarai.
6. The Superintendent of Police, Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Mines	:	Mr. Naresh Dixit, Advocate
		Mr. Brij Bihari Tiwary, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA 7
		Mr. Ajit Kumar, AC to GA 7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 27-08-2018

Counsel for the petitioner very vehemently argued that the order passed by the Collector in the Sand Settlement Case No. 1 of 2018-19 suffers from total non-application of mind in as much as all the issues raised before the Collector, had not been considered.

2. The Spl. PP for the Mines Department opposes the writ petition and makes a preliminary objection that the petitioner has adequate alternative remedy before the Mines Commissioner by filing a revision under Rule 45 of the Bihar Minor Mineral Concession Rules.



3. Faced with the said submissions made by learned Spl. PP for the Mines Department, it is submitted by counsel for the petitioner that he would approach the Revisional Authority within a period of two weeks from today. He submits that he will also make a prayer before the Revisional Authority for not invoking his bank guarantee since the order passed by the Collector shows total non-application of mind.

4. Without expressing any opinion on the merits of the submissions made by counsel for the petitioner, he is permitted to file a revision application against the order dated 14.05.2018 under memo no. 421 passed by the Collector, Lakhisarai.

5. Since the issue of alternative remedy has been raised by Spl. PP for the Mines Department, this Court would only observe that the time spent in the instant proceedings shall not be held against the petitioner and without raising the issue of delay, the petitioner’s revision petition shall be considered by the Revisional Authority on its own merit.

6. Writ petition is disposed off with the liberty aforesaid.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

