

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8363 of 2019

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M/s IDIO Construction of Industries (India) Ltd. through its Managing
Director Smt. Renu Singh (Female aged about 58 years) wife of Sri
K.N.Singh R/O Road no.23, Building No.176, Sri Krishna Nagar, P.S. Budha
Colony, District-Patna

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Mines, Govt. of India,
New Delhi.
2. Secretary, Ministry of Mines, Govt. of India, New Delhi
3. Indian Bureau of Mines through Regional Controller of Mines, Govt. of
India, Ashok Nagar, Ranchi-834002.
4. Regional Controller of Mines, Govt. of India, Ashok Nagar, Ranchi-834002.
5. Principal Secretary, Department of Mines and Geology, Govt. of Bihar,
Patna.
6. District Mining Officer, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vivek Anand Amritesh with Mr. Lalan Kumar Advocates
For the Respondent/s	:	Mr.S.D. Sanjay (Addl. Solicitor General) with Mr. Kumar Priya Ranjan (CGC)
For the Mines	:	Mr. Naresh Dikshit, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 18-04-2019

Heard learned counsel for the petitioner, Spl.P.P. for the
Mines and Union of India.

This writ application has been filed for the following
reliefs:-

“(I) In the nature of “Certiorari” for
setting aside the order as contained in
Memo no. RNC/18/MP-GEN/NGP
VOL XV dated 28/3/2019 (Annexure-



12) whereby and whereunder the respondent no 3 has refused to approve the Mining plan submitted by the petitioner on the sole pretext that the State Govt. has not modified the Rule 15 of Mines & Minerals Development Regulation Act (hereinafter called as MMDR Act) authorizing Indian Bureau of Mines (hereinafter called as “IBM”) to approve the mining plan for the State of Bihar.

(ii) In the nature of “Mandamus” directing and commanding the IBM, Ranchi to approve the reviewed mining plan submitted by the petitioner which has been returned despite direction of Govt. of India, Ministry of Mines as contained in Memo no. 16/106/2015-M.VI dated 12/7/2017.

(iii) In the nature of “Mandamus” also directing and commanding the respondent State Govt. to amend the Section 15 of MMDR Act modifying to the extent of authorizing IBM to approve the Mining Plan.”

Learned counsel for the petitioner submits that petitioner is aggrieved by order as contained in Annexure-12 by which his mining plan of Jalwa Quartz and Quartzite mine over an area of 19.80 hecets of M/S Idio Construction and Industries (India) Ltd. located in village Bishunpur, Dist Lakhisarai of Bihar State, for approval was returned, on the ground that IBM has no power to approve mining plans/schemes of mining of minor minerals (notified on 10th Feb. 2015) by the Government of Bihar,



Jharkhand and West Bengal.

Learned counsel for the petitioner has drawn the attention of this Court towards Annexure-10, which is letter issued by Govt. of India, Ministry of Mines to the Indian Bureau of Mines wherein IBM has been authorized to continue to approve the mining plans of mining leases of newly notified 31 minor minerals for a further period of two years up to 25.5.2019.

From the order as contained in Annexure-12, it appears that respondent nos. 3 and 4 have failed to take into consideration the letters as contained in Annexure-10 which authorizes the IBM to continue to approve the mining plans of mining leases of newly notified 31 minor minerals for a further period of two years up to 25.5.2019.

In such circumstances, the order as contained in Annexure-12 is hereby set aside. Petitioner is directed to submit fresh plan for approval before the IBM within a period of 10 days from the date of receipt of copy of this order and IBM (Indian Bureau of Mines) shall pass appropriate order within a period of 15 days from the submission of the plans for approval by the petitioner in accordance with law after taking into consideration the direction issued by the Govt. of India,



Ministry of Mines as contained in Annexure-10.

This writ petition is, accordingly, disposed of.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.4.2019
Transmission Date	

