

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3482 of 2016

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Hirdya Narayan Yadav S/o Late Jagmohan Yadav Proprietor of Hirdya Narayan Yadav, Stone Works, resident of village- Ner Tola Math, P.O.- and P.S.- Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Mines and Geology, Bihar, Patna
3. The Commissioner, Department of Mines and Geology, Bihar, Patna
4. The District Collector, Jehanabad
5. The District Mines Officer, Cum-Competent Officer, Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vinod Kumar
For the Respondent/s	:	Mr. Kaushlendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 25-02-2019

Heard learned counsel for petitioner and the State.

The petitioner is aggrieved by the order as contained in Annexure-7 by which the license of the petitioner has been revoked.

It appears that petitioner's wife has earlier challenged the aforesaid order by filing writ vide C.W.J.C. No. 17243 of 2011 before this Hon'ble High Court after being aggrieved by order dated 8.9.2011. After hearing the parties, this Hon'ble High Court was pleased to dispose of the writ petition with liberty to the petitioner to file a revision under Rule 12 of the Bihar Minerals (Prevention of illegal Mining, Transportation and Storage) Rules, 2003. It is further submitted that in the



light of the order dated 9.2.2012 passed in C.W.J.C. no. 17243 of 2011 by this Hon'ble Court, the wife of the petitioner has filed revision case no. 19 of 2012 before the Mines Commissioner, Bihar, Patna challenging the order dated 8.9.2011 passed by District Collector, Jehanabad with limitation petition under Section 5 of the Limitation Act. The revision petition was heard by Mines Commissioner, Bihar, Patna and after seeking report from competent officer-cum-District Mines Officer, Jehanabad the same was dismissed by order dated 24.5.2012. The aforesaid revisional order was challenged by wife of petitioner before this Hon'ble Court vide CWJC No. 13661 of 2012 which was heard and rejected by this Hon'ble Court on 31.1.2013 (Annexure-12). Being aggrieved and dissatisfied with the aforesaid order passed in the writ petition, wife of the petitioner filed L.P.A. No. 655 of 2013 before this Hon'ble High Court which was heard and rejected by a Division Bench of this Hon'ble High court holding that the appellant had no *locus standi* to challenge the order dated 24.5.2012. The licensee alone could have challenged the order dated 24.5.2012 passed by Mines Commissioner. The order of this Court passed in L.P.A. No. 655 of 2013 has been enclosed as Annexure 13 to the writ



petition. Division Bench of this Court has stated in aforesaid order that they have not examined the merit of the challenge to the order of Mines Commissioner.

In such circumstances, this Court feels that in compliance of the order passed by Division Bench of this Hon'ble Court passed in L.P.A. No. 655 of 2013, the petitioner is required to file revision application before the Mines Commissioner against the order dated 8.9.2011 as contained in Annexure-7 revoking the license of the petitioner.

In such circumstances, the writ petition is disposed off with direction to the petitioner to file revision before the Revisional Authority against the order dated 8.9.2011 passed by the District Magistrate as contained in Annexure-7 in compliance of the order of this Court passed in L.P.A. No. 655 of 2013 dated 3.2.2014 within a period of one month from the date of passing of this order. The Revisional Authority shall pass order in accordance with law, on merit without being prejudiced by its earlier order dated 24.5.2012 as contained in Annexure-11. The Revisional Authority shall condone the delay in filing the revision application by petitioner because the petitioner was seeking remedy in the writ petition in this Court for redressal of his grievance. It is



made clear that Revisional Authority shall pass final order in accordance with law within a period of three months from the date of filing of revision application by the petitioner.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	6.3.2019
Transmission Date	

