

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3088 of 2018

=====

Suman Kumar Singh, Son of Late Diwakar Prasad Singh, Resident of Village-Borra, P.S.-Amdanda, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. The District Magistrate, Bhagalpur.
4. The Senior Superintendent of Police, Bhagalpur.
5. The Sub-Division Officer-Kahalgaon, District-Bhagalpur.
6. The Officer Incharge, Amdanda Police Station, Bhagalpur.
7. The Mines Development officer, Bhagalpur.
8. Manjar Alam Son of Late Md. Kamo, Resident of Village-Madhupur, P.S.-Amdanda, District-Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s :	Mr. Shankar Kumar Thakur, Adv.
For the Respondent-State:	Mr. Gyan Prakash Ojha, GA-7 with Mr. Sushil Kr. Singh, AC to GA-7.
For the Respondent-Mines:	Mr. Naresh Dikshit, Spl.PP (Mines)

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 28-06-2019

Heard Mr. Shankar Kumar Thakur, learned counsel for the petitioner, Mr. Gyan Prakash Ojha, learned GA-7 for the State and learned counsel for the Mining Department.

This is a second round litigation so far as the petitioner is concerned and who returns to this Court with the same grievance regarding illegal mining of sand. We note from the order passed in the previous round arising from the CWJC No. 7709 of



2012 enclosed at Annexure-8 that for the same cause of action that the petitioner came before this Court and when he was relegated before the District Magistrate, Bhagalpur who was asked to consider the grievance and dispose it of accordingly. A discussed order of the District Magistrate, Bhagalpur is enclosed at Annexure-13 in consideration of the grievance raised and after holding an enquiry thereon, the report of which finds mentioned in the order itself and the allegation has been rejected.

Initially the petitioner chose to question this order on its merits but when taken up Mr. Shankar Kumar Thakur, learned counsel for the petitioner concedes that he would not be pressing the writ petition on the said relief but would concentrate on the other relief prayed regarding the danger to embankment and for which he makes reference to the recommendation of the District Magistrate, Bhagalpur before the Principal Secretary, Water Resources Department in his letter dated 26.08.2015. Now apart from the fact that four years have gone past since the said recommendation was made, no evidence of any destruction on such account has been placed on record.

Apart there from, we take notice of the stand taken by the District Magistrate, Bhagalpur in similar matter arising from CWJC No. 2983 of 2018 in which this very issue of danger to the



embankment of the river Gerua was addressed upon by the District Magistrate, Bhagalpur, who after holding enquiry has recorded satisfaction with the steps taken for the protection of the embankment and which persuaded this Court to dispose of the said writ petition and which also would be an answer to the issue raised in the present writ petition which is accordingly disposed of.

(Jyoti Saran, J)

(Partha Sarthy, J)

Anjula/Surendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2019
Transmission Date	NA

