

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5326 of 2015

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M/s Jaznary Stone Works, Prop. Md. Nasim @ Md. Naseem, son of Md. Rashid, village- Katni Kol, Pathraita, P.S. and District- Sheikhpura and Md. Sikander Ali, son of Late Md. Isfaque, resident of village- Eksari, P.O.- Maninda, Police Station and District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Mines & Geology, Bihar, Patna.
2. The Principal Secretary, Department of Mines and Geology, Bihar, Patna
3. The Commissioner-cum-Secretary, Department of Forest, Bihar, Patna
4. The Mineral Development Officer, Department of Mines and Geology, Sheikhpura, Bihar
5. The District Magistrate, Sheikhpura Bihar
6. The Chairman, Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Patna-800 023
7. The Member Secretary, Bihar State Pollution Control Board, Beltron Bhawan, Shastri Nagar, Patna-800
8. The Divisional Forest Officer, Sheikhpura Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha, Advocate Mr. Ram Binod Singh
For the State	:	Mr. Shailendra Kumar, AC to PAAG-2
For the Mines & Geology:		Mr. Naresh Dikshit, Advocate
For BSPCB	:	Mr. Shivendra Kishore, Sr. Advocate Mr. Parijat Saurav, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT
Date : 16-01-2019

The petitioner has challenged order dated 10.07.2014 passed by the Mining Development Officer, Sheikhpura, (Annexure-6) whereby licence of the petitioner was cancelled on the ground of non-supply of up to date emission consent certificate issued by the Bihar State Pollution Control Board, Patna, and up to



date monthly statement and also due to non payment of 4th installment of licence fee.

The writ petition has been filed seeking relief(s) as mentioned in para 1 of the writ application.

Counsel for the petitioner submits that he is ready to deposit the money. It is further submitted that there has been change in the Rules since 2010 and, therefore, he could not deposit the money. Licence has been given to the petitioner in the year 2011.

Counsel for the State submits that there is provision under Section 45 of the Bihar Minor Mineral Concession Rules, 1972, of filing revision before the Commissioner against the aforesaid order within a period of 60 days from the date of communication of the order and within 75 days from the date on which application is deemed to have been refused by the Collector, if no communication is made of such refusal.

Counsel for the State submits that petitioner has alternative remedy of filing revision application. He has filed instant writ application without exhausting alternative remedy.

In such circumstances, without going into merits of the case, this Court directs the petitioner to exhaust the alternative



remedy by filing revision application in terms of provision of Section 45 of Bihar Minor Mineral Concession Rules, 1972.

The Revisional authority will condone the delay in filing the revision application since the petitioner has filed writ application, which remained pending in this Court.

The petitioner will file revision application within a period of two months from the date of passing of this order. The Revisional authority will pass final order in the revision application within a period of three months from the date of filing of such revision application.

This writ application is, accordingly, disposed off.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30-01-2019
Transmission Date	N/A

