

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10970 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, 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, Advocate
For the Respondent/s	:	Mr. S. D. Sanjay, Additional Solicitor General
		Mr. Kumar Priya Ranjan, CGC,
		Mr. Niraj Kumar, Advocate
For Mines Department	:	Mr. Naresh Dikshit, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT
Date : 15-05-2019

Counsel for the petitioner submits that in compliance of the order passed by this Court as contained in Annexure-13, the petitioner has approached IBM (Indian Bureau of Mines) along with order of this Court dated 18.04.2019 passed in CWJC No.8363 of 2019, but the IBM (Indian Bureau of Mines) by order as contained in Annexure-15 has refused to entertain the petition



on the ground that Bihar Minor Mineral Rules, 2017, has been modified on 10.10.2017. As per Bihar Minor Mineral Rules, 2017, the Collector has been authorized to approve the mining plans for minor minerals under Rule 19 of the said Rules.

Counsel for the petitioner has brought to the notice of this Court Annexure-16, which is order dated 27.11.2017 passed by Division Bench of this Court in CWJC No.15965 of 2017 along with its analogous cases by which Bihar Minor Mineral Rules, 2017, has been stayed in its totality until further orders. It has further been submitted on behalf of petitioner that vide Annexure-17 the State Government went in appeal before the Hon'ble Supreme Court against the aforesaid order, but interim stay was not vacated and Special Leave Petition No.33129 of 2017 preferred by the State of Bihar has been dismissed by order dated 15.12.2017.

Counsel for the Union of India submits that in the circumstances the IBM (Indian Bureau of Mines) will have the authority in terms of Annexure-10 to approve the mining plan of the mining lease of newly notified 31 minor minerals for a further period of two years up to 25.05.2019. It has further been submitted by the counsel for Union of India that both the aforesaid orders of this Hon'ble Court as well as of Hon'ble Supreme Court have not



been brought to the notice of authority concerned. Therefore, the order as contained in Annexure-15 has been passed.

Counsel for the Union of India as well as Spl. PP, Mines, submit that the petitioner may be directed to approach the authority concerned for passing fresh order.

Accordingly, this writ application is disposed off with direction to the petitioner to file fresh representation along with copy of aforesaid orders of Hon'ble High Court and Hon'ble Supreme Court before the IBM (Indian Bureau of Mines) for approval of the mining plan and the IBM (Indian Bureau of Mines) will pass appropriate order in accordance with law within a period of one week of filing of such representation by the petitioner after giving opportunity of hearing to the petitioner.

It is made clear that earlier order passed by IBM (Indian Bureau of Mines) vide Annexure-15 will not cause any prejudice and shall not come in way in passing appropriate orders in accordance with law.

This writ application is, accordingly, disposed off.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16-05-2019
Transmission Date	N/A

