

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17624 of 2019

Chandra Kishore Parashar @ Acharya Chandra Kishore Parashar S/o Late Ram Bahadur Singh Vill.- Gharbhara (Paschim Tola), Panchayat- Deogan, P.s.- Bochahan, Distt.- Muzaffarpur, presently residing at Senapati Bhawan, Parashar Colony, New Area, Sikandarpur, P.s.- Muzaffarpur Town, Distt.- Muzaffarpur Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary-cum-Commissioner Mine and Geology Department, Govt. of Bihar, Patna
3. The Director Mine and Geology Department, Govt. of Bihar, Patna
4. The District Magistrate Muzaffarpur, Distt.- Muzaffarpur
5. The District Mining Officer Muzaffarpur, Distt.- Muzaffarpur
6. The Circle Officer-cum-Block Mining Officer Bochahan, Distt.- Muzaffarpur
7. Sri Narayan Singh S/o Late Ramji Singh Vill.- Lalauna, Panchayat- Deogan, P.S. and Anchal- Bochahan, Distt.- Muzaffarpur the proprietor of Shree Brick Industry

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Respondent/s : Mr.Gyan Prakash Ojha (Ga7)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-09-2019 The present writ petition has been filed seeking the following reliefs :

“(1) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent authorities to restrain the private respondent no. 7 for illegal digging of land more than 15 ft. depth by the J.C.B. machine for the purposes of making brick near the boundary of the fertile land of the petitioner bearing Khata no. 632, Khesra no. 173 as also other lands which causes erosion of the fertile land of the petitioner and others.

(2) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondent- authorities to make suitable compensation of the petitioner for



losses caused due to illegal digging of land near the surroundings of the fertile land of the petitioner by the private respondent no. 7.

(3) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent authorities to shut down the brick kiln of Sri Brick Industry and other brick industry which are illegally running in the locality without fulfilling the terms and conditions as laid down under the Rules and Act on the ground that due to illegal mining of land and running the brick kiln in the surrounding of fertile land as well populated area causes harms to the crops and human beings, animals, birds etc.”

The learned counsel for the petitioner seeks liberty to approach the District Mining Officer, Muzaffarpur for redressal of his aforesaid grievances by filing appropriate representation.

Having regard to the limited prayer made by the petitioner herein, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to approach the respondent no. 5 by filing appropriate representation within a period of four weeks from today, which shall be disposed off by the respondent no. 5 by passing a reasoned order, in accordance with law within a period of eight weeks, thereafter.

(Mohit Kumar Shah, J)

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