

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21748 of 2019

1. Ravindra Singh Son of Sri Rajeshwar Singh, Resident of Khamhaini, Khabhaini, P.O. and P.S.- Arwal , District- Arwal.
2. Shola Kumari, Wife of Sri Surajan Kumar, Resident of Shahr Telpa Tola, Chainapur, Anchal- Karpi, P.O. and P.S. - Arwal, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
2. The Mines Commissioner, Bihar, Mines and Geology Department, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
3. The Additional Secretary-Cum-Director, Mines and Geology Department, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
4. The Deputy Director, Mines and Geology Department, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
5. The Assistant Director, Mines and Geology Department, Government of Bihar, New Secretariat, Vikas Bhawan, Patna.
6. The Mines Inspector, Mines and Geology Department, District Mining Office, Arwal.
7. The Collector, Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar, Adv.
For the Respondent/s : Mr.Gyan Prakash Ojha (GA-7)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-11-2019 The present writ application, in the nature of public interest litigation has been filed by the petitioners for the following reliefs:-

(I) For issuance of a writ or direction, in the nature of



Certiorari for quashing of notice inviting E-Auction dated 12.09.19 in the district of Arwal whereby and whereunder respondent no.8, the Collector, Arwal has fixed minimum reserve value towards security deposits to the tune of Rs.1,249,672,000/- for altogether 36 blocks in the district of Arwal for settlement of sand ghats for the years 2020-2024.

(ii) For issuance of a writ or direction in the nature of Mandamus commanding the respondent no.8, the Collector, Arwal to fix minimum reserve value towards security deposits for 36 blocks in the district of Arwal for settlement of sand ghats for the years 2020-2024, in the light of notification bearing memo no.2650/M dated 14.08.2019 read with letter bearing memo no.2681/M dated 16.08.2019 wherein the Additional Secretary-cum-Director, Mines & Geology Department, Government of Bihar has instructed the Collector to fix minimum reserve value as security deposit by adding 20% on the settlement amount of the preceding year.

(iii) For issuance of a writ/order or direction in the nature of Mandamus commanding the respondent no.8, the Collector, Arwal to initiate the process of settlement of all 36 blocks (sand ghats) within the timeframe contained in letter bearing memo no.2681 dated 16.08.2019 on fixation of



minimum reserve value towards security amount by adding 20% on the settlement amount of the respective blocks of the preceding year.

(iv) For any other relief or reliefs for which the petitioners are found entitled in the facts and circumstances of the case.

We are of the considered view that the issue, though may be of vital interest, but needs to be first brought to the notice of the authorities for taking appropriate remedial measures.

Petitioners are public representatives. In terms of the present petition, they request the Court to interfere in the process of E-auction of the mining of the sand from the river beds in the district of Arwal. It will be only appropriate that if the petitioners were to first approach the respondents highlighting their grievances/inaction or illegal action on the part of the authorities whereafter it will be open for the petitioners to approach the Court.

Learned counsel for the respondents states that any such request received from the petitioners shall be considered expeditiously and preferably within two months thereafter.



The application is disposed of with the aforesaid liberty.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

K.C.Jha/-

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