

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22543 of 2019

1. Lilawati Kumari (Mukhiya of Gram Panchayat Chauhar), W/o Sanjay Kumar, R/o Jivan Bigha, Chauhar Chak, P.S. Karpi, Distt. Arwal.
2. Sabita Devi (Mukhiya of Gram Panchayat Abgila), W/o Abhay Kumar, R/o Village- Khokhri, P.S.- Arwal, Distt. Arwal.
3. Sanjay Kumar, Son of Brajnandan Singh, R/o Village- Durgapur, Panchyat-Belsar, P.O. and P.S- Kaler, Distt. Jehanabad, Arwal- 824127
4. Praveen Kumar, Son of Akhileshwar Prasad Singh, R/o Fatehpur Saurha, Fatehpur Sanda, P.S. and Distt. Arwal- 804402

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
3. The Additional Secretary-Cum-Director, Mines and Geology Department, Government of Bihar, Patna.
4. The Deputy Director, Mines and Geology Department, Government of Bihar, Patna.
5. The Assistant Director, Mines and Geology Department, Government of Bihar, Patna.
6. The District Magistrate, Distt. Arwal.
7. The District Mines Officer, Arwal, Distt. Arwal.
8. The District Mining Inspector, Arwal, Dist. Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. K.N. Chaubey, Sr. Adv. Mr. Ambuj Nayan Chaubey
For the State	:	Mr. Gyan Prakash Ojha, G.A.-7
For the Mines	:	Mr. Naresh Dixit, Adv. Mrs. Kalpana, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-11-2019 Heard learned counsel for the parties.

The present writ application has been filed for



following relief:-

“(i) For issuance of an appropriate writ/order/direction including a writ in the nature of certiorari setting aside the arbitrary and enormous increase in the reserve price so mentioned in **Notice Inviting E-Auction**, dated 24.09.2019, in violation of the Bihar State Sand Policy, 2019 and the Memo No. 2681 dated 16.08.2019 issued by the Director, Mines and Geology Department, Government of Bihar, Patna for the District of Arwal; (Annexure 2).

(ii) For issuance of an appropriate writ, order or direction including a writ in the nature of mandamus commanding the respondent authorities to conduct the e-auction of sand ghats of the district Arwal only on the basis of reserve price fixed as per Govt. instruction;(Annexure 1).

(iii) For grant of such other relief/reliefs as the petitioners may be found entitled to in the facts and circumstances of the instant 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. Petitioner is a public representative.

In terms of the present petition, he requests 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)

Anil/Amrendra

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