

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5654 of 2020

Reeta Devi, aged about 40 years (female), wife of Ajay Kumar,
resident of Ekbalganj Nisarpura, Near Durga Asthan, Birdhapur,
District Patna. Petitioner.

Versus

1. The State of Bihar, through the Principal Secretary, Mines & Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary cum Mines Commissioner, Mines & Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Special Secretary cum Director, Mines & Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Additional Secretary cum Director, Mines & Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
5. The District Magistrate, Patna. Respondents

Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
Mr. Avinash Shekhar, Advocate

For the Respondents : Mr. Naresh Dixit, Spl. P.P.
Mr. Sarvesh Kumar Singh, AAG-13



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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 12-05-2020 Heard learned counsel for the petitioner and learned
counsel for the Respondents.

Petitioner has prayed for the following relief(s):

“i) To issue an appropriate writ, order or direction in the nature of certiorari for quashing memo no. 1423 dated 04.05.2020 issued by Respondent No. 3 whereby excavation, transportation and sale of sand has been allowed at all sand Ghats which have environment clearance, during the period of pandemic and that too for the District of Patna which has been categorized under ‘Red Zone’ by the State Government itself;

ii) For quashing of memo no. 978 dated 4.5.2020 issued by the respondent no. 5 in furtherance of memo no. 1423 dated 4.5.2020 issued by the respondent no. 3.

iii) To adjudicate and hold that resumption of large scale mining activity is not required considering the adequate stock with the Bihar State Mining Corporation Limited and other Stockist License Holder, at the cost of health and life of citizens.

iv) To adjudicate and hold that compliance of the



conditions imposed upon the licensees under the impugned order is practically impossible considering the wide scale of operations and the logistics involved, and if the existing settlees are allowed to operate Sand Ghats, it would certainly compromise with the health and safety of citizens at large.

v) To adjudicate and hold that the resumption of mining activity at the Ghats, its transportation and sale can cause the spread of Corona Virus, ultimately leading to community transmission;

vi) To grant any other relief or reliefs for which the petitioner may be found entitled to in the facts and circumstances of the case.”

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner seeks permission to approach the State/respondents, highlighting the grievances, if any, with regard to the alleged non-implementation of the directions issued by the Central Government/State Government in dealing with current Pandemic COVID-19 as also instructions issued in allowing the mining activities in terms of communication dated 04.05.2020 (Annexure-2).

Permission granted in the aforesaid terms.

As and when any such communication is received by



the District Magistrate/Statutory authority, the same shall be considered and decided positively within a period of ten days and liberty reserved to the petitioner to approach the Court on the same and subsequent cause of action if the needs so arises.

The writ petition stands disposed of with the aforesaid observations/directions.

(Sanjay Karol, CJ)

(S. Kumar, J)

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