

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5703 of 2020

M/s Katayani Contractors Private Limited a Company incorporated under the provisions of the Companies Act, 1956, having its office at 144, Pareo, P.S. Bihta, District Patna, through its Director, Randhir Kumar, aged about 33 years (Male), Son of Suraj Prasad, Resident of Pareb, Pareo, Bihta, District Patna.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi, Adv.
For the Respondent/s : Mr.Gyan Prakash Ojha, GA 7

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 27-05-2020 Heard learned counsel for the petitioner and learned counsel for the Respondents.

Through this writ application, the Petitioner seeks the following reliefs:-

- 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 the Sand Ghats which have environment clearance, during the period of



pandemic, arising out of COVID-19.

ii) This Hon'ble Court may adjudicate and hold that resumption of excavation by way of operating Sand Ghats, for the present is neither essential nor it will hamper any construction activity, in view of the huge stock lying with the State, as also with the petitioner.

iii) This Hon'ble Court may adjudicate and hold that compliance of the conditions imposed upon the settlee, i.e. the petitioner under the impugned order is practically impossible to comply with and non-compliance thereof, which is beyond the control of the petitioner, will adversely affect the right and interest of the petitioner.

iv) This Hon'ble Court may adjudicate and hold that the resumption of mining activity by the petitioner at the Sand Ghats, its transportation and sale can cause the spread of Corona Virus, ultimately leading to community transmission.

v) 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-4).



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 need so arises.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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