

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 11314 of 2002**

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Rajendra Prasad Gupta, S/O Thakur Prasad Gupta, R/O Vill.- Karwandia,  
P.S.- Sasaram, Distt.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary-cum-Commissioner, Department of Mines and Geology, Government of Bihar.
2. The District Magistrate Cum -Collector, Rohtas.
3. The Mining Officer, Rohtas, Sasaram.
4. The Assistant Mining Officer, Rohtas .

... .. Respondent/s

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

Date : 14-08-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Petitioner has prayed for following reliefs:-

“For issuance of an appropriate writ/writs, direction/directions, order/orders for quashing the notice published in English daily newspaper “Hindustan Times” Patna dated 4.9.2002 by which a notice has been issued regarding the auction of mining lease in respect of lands situated at different parts of district- Rohtas, Sasaram and general public have been invited for taking part in that and further for quashing the order dated 10.08.2001 by which the



minimum bid amount for the settlement of mining lease hold area of 2 acres for 5 years in the district of Rohtas has been fixed as Rs. 11,50,000/- and/or for any other reliefs for which the petitioner may found entitled to and further for declaring the rule 52(6) of Bihar Minor Minerals Rules, 1972, as ultra vires of the Principal Act, i.e. Mines and Minerals (Regulation & Development), Act.”

It has been submitted on behalf of counsel for the State that petitioner has challenged the validity of Bihar Minor Minerals Concession (Amendment) Rules, 2001 however during pendency of writ petition the rules have been repealed by Bihar Minor Minerals Rules 2017, and thereafter by Bihar Minor Minerals Rules, 2019, as such, present petition has become infructuous.

It has been further submitted that issue raised in present petition has nothing to do with the decision rendered by Hon'ble Apex Court in India Cement Ltd. and others Vs State of Tamilnadu and others 1990 (1) SCC 12.

As such, we dispose of the present petition, reserving liberty to petitioner to take recourse to such remedies as are otherwise available in law or file a fresh petition in accordance with law on the same or subsequent course of



action, if the needs so arises.

(Sanjay Karol, CJ)

( S. Kumar, J)

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