

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17695 of 2017

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M/s Vibharaj Construction Pvt. Ltd. A company incorporated under the provisions of India Companies Act, 1956 having its registered office at village Pathara English, PO Orhanpur PS Mufassil Nawada, District Nawada, through its Director namely Eklavya Son of Sri Raj Ballabh Rai Resident of Pathara English, Post Office Orhanpur, Police Station- Mufassil Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
3. Under Secretary to Government, Mines and Minerals Department, Government of Bihar, Patna- 800001Bih
4. The District Magistrate-cum-Collector, Shekhpura.
5. The Assistant Director Mines, Shekhpura.
6. The Mining Officer, Shekhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Adv
For the Respondent/s : Mr. Brij Behari Tiwary, Adv

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

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-11-2020

Heard parties.

Petitioner has prayed for the following relief(s):-

"For issuance of a writ (s), order(s), direction(s) declaring Rules 25, 34, 35, 36, 37 and 43 of the Bihar Minor Mineral Rules, 2017 published in official gazette on 10.10.2017, framed by the State Government in exercise of power confined under Section 15, 23C and 26 of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as 'the Mines Act') being ultra vires to the rule making powers conferred by the aforesaid provisions on the State Government, as also, violative of



Articles 14, 19(1)(g), 301, 300-A of the constitution of India and consequently issue a writ of mandamus to the respondents not to give effect to the aforesaid provisions of the Bihar Minor Mineral Rules, 2017.

(ii) For issuance of writ of certiorari, quashing the order , dated 20.10.2017, as contained in memo no. 5016, issued by the Government, by which a formality of inviting objection has been communicated to the petitioner and other contractor, for fixation of the sale price for supply of mineral, to the Bihar State Mining Corporation."

Learned counsel for the petitioner seeks permission to withdraw the present petition stating that the same has become infructuous.

Permission is granted.

The present petition stands dismissed as withdrawn reserving liberty to the petitioner to file a fresh petition on the same and subsequent cause of action, if the need so arises.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

