

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8518 of 2020

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Kumar Pramendra, son of Late Saryug Prasad Singh, resident of New Area
G.T. Road, Sasaram, near Prakash Petrol Pump, Police Station- Sasaram,
District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Mines and Geology Department, Govt. of Bihar, Patna.
4. Special Secretary-cum- Director, Mines and Geology Department, Govt. of Bihar, Patna.
5. The District Magistrate, Rohtas at Sasaram.
6. The District Magistrate, Aurangabad.
7. The Assistant Director Mines, Rohtas, Sasaram.
8. The Assistant Director Mines, Aurangabad.
9. The Union of India through Secretary, Ministry of Environment Forest and Climate Change, Govt. of India, Indira Paryavaran Bhawa New Delhi-110003.
10. The Environmental Impact Assessment Authority, Bihar through its Chairman State Environmental Impact Assessment Authority, 2nd Floor, Beltraon Bhawan, Shastri Nagar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh, Advocate Mr.Abhishek, Advocate
For the Respondent/s	:	Dr.K.N.Singh, ASG Mr.Kumar Priya Ranjan, CGC Mr.Naresh Dixit, Spl.P.P., Mines Mr.Sumit Shekhar Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-11-2020

Petitioner has prayed for the following relief(s):



“i. For direction to the respondents not to allow/permit the license holder to excavate the sand and to operate the sand mining without obtaining Environment Clearance from the State Environmental Impact Assessment Authority in short SEIAA as the same is against the natural environment and direction of the Govt.

ii. For direction to the respondent authority to take appropriate decision on the detail representation filed by the petitioner before them ventilating the issue about illegal activity in allowing the sand Mafia to operate the mining in Covind-19 pandemic without proper certificate from SEIAA causing heavy revenue loss to the Govt. and the same is in violation of the Govt. order/direction.

iii. For direction to the respondent to verify the actual stock of sand and thereafter permit the license holder granted under section 49 of the Bihar Minor and Minerals Concessions Rules, 1972 in short Rules, 1972 and to restrain them from illegal mining in the name of licence granted in Form-L without complying the fundamental duties as stipulated under Article 51A(g) of the Constitution of India.

iv. For direction to the respondent



to make an independent enquiry/investigation by independent agency with regard to representation/application filed by the petitioner for redressal of grievances about illegal sand mining in violation of environmental rules and law.

v. For grant of any other relief or reliefs for which petitioner is entitled in the facts and circumstances of the case.”

Learned counsel for the petitioner invites our attention to the communication dated 10th of February, 2016 (Annexure-1), whereby the Chief Secretary, Government of Bihar has issued directions pursuant to the order passed by the National Green Tribunal, Eastern Zone Bench in relation to Case No. 07/2016/EZ, titled as Aman Kumar Singh Vs. State of Bihar & Ors. Also, learned counsel for the petitioner points out that the activity carried out by the State, allowing unauthorized persons to carry out mining work, is contrary to the view expressed by another authority vide communication dated 6th of February, 2020 (Annexure-5).

It is a matter of record that perhaps no Environmental Impact Assessment permission is there, enabling the State to allow any person to carry out any mining activity.

However, we notice that the instant writ-



petitioner, highlighting the very same issue, on the very same cause of action, has already approached the National Green Tribunal, Principal Bench, New Delhi vide Original Application No. 17/2020 (EZ) titled as **Kumar Parmendra Vs. Union of India & Ors.** in which notice also stands issued.

As such, we are of the considered view that it would be more appropriate for the writ-petitioner to pursue the said matter.

Hence, we allow the writ petitioner to withdraw the present petition reserving liberty to make a special mention before the Hon'ble Green Tribunal of taking up the matter on priority basis and passing appropriate orders in accordance with law. Though *prima facie*, we are convinced that petitioner has made out a case for intervention, but only for maintaining judicial discipline, we refrain from passing any orders allowing the writ-petitioner to pursue the matter pending before the said Tribunal.

As such, we dispose of the petition in the aforesaid terms with the hope that the learned Green Tribunal shall take up the matter on priority and consider the petitioner's application for grant of interim relief.

Petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	06.11.2020
Transmission Date	

