

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4452 of 2004**

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PARSURAM SINGH, S/o Sri Jamuna Prasad Singh, R/O Vill.- Jamuhar, P.S.-  
Dehri, District.- Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary-Cum-Commissioner Department Of Mines And Geology,  
Govt. Of Bihar, New Secretariat, Patna
3. The Collector Rohtas At Sasaram
4. The Assistant Mines Officer Rohtas At Sasaram

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.  
For the Respondent/s : Mr.A.K.Singh Spl.PP

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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.

Heard learned counsel for petitioner and learned counsel for the  
State.

Heard the learned counsel for the petitioner and  
learned counsel for the respondents.

Petitioner has prayed for following reliefs:-

(I) To declare the Rule 9A, 22 A and 52 of



the Bihar Minor Mineral Concession (Amendment) Rule 2001 as ultravires the provision of Parent Act i.e. Mines Minerals (Regulation and Development Act 1957 also violative of petitioner's right enshrined under Article 21, 31A, 300A of the Constitution of India.

(II) To declare Rule 9A, 22A and 52 of 2001 Amendment in B.M.M.C. Rules as ultravires on the ground that State Government does not have the competence to introduce a system by which rate of royalty could be fixed as royalty being a tax fixing itself rate is essentially a legislative function.

(III) To declare that the petitioner being the existing lessee under the unamended BMMC Rules his application for renewal of mining leases have to considered in terms of rule 22 of BMMC Rules and the system of public auction introduce by 2001 amendment will not be applicable to him.



(IV) To declare the notification dated 17.04.2001 by which stone has been induced under amended Rule 9A as ultravires and illegal.

(v) For quashing of the order dated 26.05.2003 by which the minimum bid amount for settlement of mines lease hold area of 2 acres for 5 years in the District of Rohtas has been fixed as 35,00,000/-

(vi) For quashing the order contained in letter dated 1.4.2003 by which the application of the petitioner for renewal of his lease has been rejected.

(vii) For any other relief or reliefs in which the petitioner may found entitled.

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 act has been repealed by Bihar Minor Minerals Rules 2017, as such, present petition has become infructuous and is accordingly dismissed. However, if any grievances of the petitioners still survives, liberty reserve to



them to take recourse to such remedies as are otherwise available in accordance with law.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Rajiv/-

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