

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12182 of 2001

=====

Arun Kumar Jain, S/O Late Phulchand Jain, R/O 85, River Side Road, Gaya,
P.S.Gaya Kotwali, Distt-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary-cum-Commissioner, Mines and Geology Department, Government of Bihar, Patna.
2. The Special Secretary to Government, Mines and Geology Department Government, of Bihar, Patna.
3. The District Magistrate -Cum-Collector, Gaya.
4. The District Mining Officer, Gaya.

... .. Respondent/s

=====

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:-

- (I) For issuance of an appropriate writ for a declaration that newly added/substituted Rule 9A and 52 vide Bihar Minor Mineral Concession (Amendment) Rules 2001 in Bihar Minor Mineral Concession Rules 1972 are ultra vires;
- (II) For issuance of an appropriate writ for a



declaration that the petitioner is entitled for consideration of their claim for renewal of their Mining Lease;

(III) For issuance of an appropriate writ, directing and commanding the authorities to consider and renew the mining leases granted in favour of the petitioners after such declaration;

(IV) For any other relief or reliefs to which the petitioner is legally entitled to;

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of Bihar Minor Minerals Concession (Amendment) Rules, 2001 however during pendency of writ petition the rules have been repealed by Bihar Minor Minerals Rules 2017, and thereafter by Bihar Minor Minerals Rules, 2019, as such, present petition has become infructuous.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)

veena/-

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

