

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6058 of 2017

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M/s Mahadev Enclave Pvt. Ltd., a registered company having its registered office at B-37, Ayodhya Marg, Hanuman Nagar, Jaipur, Rajasthan through its authorized representative Dalip Kumar, S/o Late Ram Singh, resident of Village and P.O.- Deenwa Ladkani, District- Sikar Rajasthan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary-cum-Commissioner, Department of Commercial Taxes, New Secretariat, Bailey Road, Patna
2. The Principal Secretary cum Commissioner, Department of Commercial Taxes, New Secretariat, Bailey Road, Patna
3. The Principal Secretary cum Commissioner, Department of Mines and Geology, Govt. of Bihar, Patna.
4. The Deputy Commissioner of Commercial Taxes, Bhagalpur Commercial Taxes Circle, Bhagalpur.
5. The Mines Inspector, Banka.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 6875 of 2018

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M/s Mahadev Enclave Pvt. Ltd., a registered company having its registered office at B-37, Ayodhya Marg, Hanuman Nagar, Jaipur, Rajasthan through one of its Directors, namely Kartik Rathi, S/o Shri Ajay Rathi, resident of 3-B 22 23 Sukhadia Nagar, Sri Ganganagar, Rajasthan

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary-cum-Commissioner, Department of Commercial Taxes, New Secretariat, Bailey Road, Patna
2. The Principal Secretary cum Commissioner, Department of Commercial Taxes, New Secretariat, Bailey Road, Patna
3. The Principal Secretary cum Commissioner, Department of Mines and Geology, Govt. of Bihar, Patna.
4. The Deputy Commissioner of Commercial Taxes, Nanada Commercial Taxes Circle, Nalanda.
5. The Assistant Director, Mines, Nalanda.

... .. Respondent/s

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Appearance :
(In Civil Writ Jurisdiction Case No. 6058 of 2017)



For the Petitioner/s : Mr.Gautam Kumar Kejriwal, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11
Mr. Naresh Dixit, Advocate
(In Civil Writ Jurisdiction Case No. 6875 of 2018)
For the Petitioner/s : Mr.Gautam Kumar Kejriwal, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11
Mr. Naresh Dixit, Advocate

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

Date : 14-12-2020

According to the petitioner, solely on account of non-compliance of the statutory provisions i.e. the issuance of the notification of the Department of Mines, the petitioner is suffering.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the appropriate authority, including Respondent No. 3, namely The Principal Secretary-cum-Commissioner, Department of Mines and Geology, Government of Bihar to consider and decide the petitioner's request which the petitioner shall be making within a period of four weeks.

As such petitions are disposed of with a direction to Respondent No. 3 namely The Principal Secretary-cum-Commissioner, Department of Mines and Geology, Government of Bihar to consider and decide the petitioner's request which



the petitioner shall be making within a period of four weeks, positively within a period of two months thereafter.

It stands clarified that the proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

The petitions stand disposed of in the aforesaid terms.



Interlocutory Application(s), if any, also stands
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.12.2020
Transmission Date	

