

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18212 of 2017**

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1. Bihar Truck Owner Association having its office at Shivpuram Road No. 1, Vijay Nagar Rukunpura, Bailey Road, Patna 800014 through its President namely Bhganu Shekhar Prasad Singh, son of Late Bindeshwari Prasad Singh, resident of Mohalla Jagdeo Nagar, Bailey Road, P.S Rupaspur, District Patna.
  2. Bhanu Shekhar Prasad Singh, son of Late Bindeshwari Prasad Singh resident of Mohalla Jagdeo Nagar, Bailey Road, P.S Rupaspur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Satyabir Bharti, Advocate.    |
| For the Respondent/s | : | Mr. Vikash Kumar, SC-11           |
|                      |   | Mr. Naresh Dixit, Spl. PP         |
|                      |   | Mr. Brij Bihari Tiwari, Advocate. |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 09-11-2020**

Petitioners have prayed for the following relief(s):-

“i) Quashing the notification, dated 28<sup>th</sup> November, 2017 issued by the Government of Bihar, by which solely in order to overreach and circumvent the interim order dated 27.11.2017, in purported exercise of powers conferred under Rule 6 of the Bihar Minerals (Prevention of Illegal Mining, Transpiration and Storage), Rules, 2003, by which, *inter alia*, it has been directed that in terms of Rule 4 of the aforesaid Rules of



2003, vehicles transporting minerals should be in accordance with guide lines contained in Appendix XII of the notification dated 15<sup>th</sup> January, 2016, as contained in S.O. No.141 (E) of the Ministry of Environment, Forest and Climate Change, Government of India and it has been further directed that no vehicle should be permitted to transport minerals without complying with the aforesaid guide lines of the Government of India.

ii) Quashing the letter, dated 28.11.2017, as contained in memo No.168/M-C, by which the respondent no.2, namely, the Principal Secretary, Department of Mines and Geology, in purported exercise of powers contained under Rule 6 read with Rule 4 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 has directed all the District Collectors that without GPS/Digital lock, no vehicle should be permitted to load and transport sand and stone chips from the Sand Ghats and Stone quarry and if any vehicle is without GPS or Digital Lock, then under Rule 8 of the aforesaid Rules, F.I.R. should be registered against the Driver/owner of the vehicle;

iii) To hold and declare that the aforesaid notification and the consequential order, both dated 28.11.2017 prohibiting loading and transportation of minerals without GPS or Digital locks, is without any authority in law, contrary to the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage), Rules, 2003, is confiscatory and violative of Article 14 and 19(1)(g) of the Constitution of India.

iv) For issuance of any appropriate writ and order that your Lordships may deem fit and proper in the interest of justice and equity.”



Learned counsel for the petitioners, while inviting our attention to the interim order dated 9.9.2019 passed in a bunch of these writ petitions, being CWJC No.15965 of 2017, titled as Puspa Singh and another vs. The State of Bihar and others and its analogous cases, states that with the passage of time Rules in question stand repealed and substituted by new Rules in the year 2019. As such no other and further orders are required to be passed in the present case, for the State has not precipitated any action in terms of Rules in question. Further, petition be disposed of as not pressed, reserving liberty to initiate appropriate action, if so required and desired at any point of time.

State has no objection to the same.

As such, as prayed for, the petition is disposed of with the aforesaid liberty.

Interlocutory application, if any, shall also stand disposed of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

sujit/-

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