

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19118 of 2017

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Ramesh Kumar son of Late Dwarika Sah resident of Mohalla - Brahampura,
Police Station - Brahampura, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary , Govt of Bihar, Patna.
2. The Principal Secretary, Department of Mines and Geology, Govt. of Bihar, Patna.
3. The Mines Commissioner, Department of Mines and Geology, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
5. The District Magistrate, Muzaffarpur.
6. The Mining Officer, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	
For the Respondent/s	:	Mr. P.N. Shahi AAG-6 Mr. Sanjeet Kumar Singh AC to AAG-6 Mr. Brij Bihari Tewary, Adv

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-11-2020

Heard parties.

Petitioner has prayed for the following relief(s):-

"That by this public interest litigation the petitioner seeking leave of this Hon'ble Court to bring certain facts to the notice to the Hon'ble Court in relations to the actions taken by the respondent authorities after the order dated 27.11.2017 passed in



CWJC No. 15965 of 2017 and its analogous cases under which the operation of Bihar Minor Minerals rules, 2017 has been stayed in totalling until further orders. Inspite of the order dated 27.11.2017 the department of Mines and Geology issued two orders on same date on 28.11.2017 over reaching the earlier order dated 27.11.2017. These two orders were brought to the notice of this Hon'ble Court in IA NO. 8666 of 2017 (in CWJC No. 15965 of 2017) and IA No. 8375/2017 and the Hon'ble Court vide its order dated 04.12.2017 stayed the operation of both the orders.

Inspite of the orders of this Hon'ble Court, the local authority in the district of Muzaffarpur have unofficially (without issuing any order) have restrained the small sand vendors either from purchase of sand from the contractor or sale if to the customer.

There is a complete restriction on sale and purchase of sand in the district of Muzaffarpur. Not a single sand vendor in the district of Muzaffarpur have been provided with any order under which there is restriction of sale and purchase of sand.

Even the dwelling houses which are under construction have come to stand still in absence of supply of sand."

Shri Pushkar Narayan Shahi, learned senior counsel invites our attention to the fact that the writ petition has become infructuous, inasmuch as the rules in question stand repealed and substituted by subsequent law.

Despite repeated calls, none has entered appearance on behalf of the petitioner. It is perhaps for the reason that the petitioner has lost interest. It is also brought to our notice that similar petitions already stand disposed of by this Court. Today, most of the learned counsels have withdrawn the writ petitions which were listed along with the batch of this petition.

As such, we dispose of the present petition reserving



liberty to the petitioner to revive or file a fresh petition on the same and subsequent cause of action, if the need so arises.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

