

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4497 of 2021

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Vishwajeet Jha, son of Late Ranjeet Jha, resident of Village- Berma, P.O.-
Singhnan, P.S. -Amarpur, District- Bank.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Mines & Minerals, Government of Bihar, Patna.
3. The District Magistrate, Banka at Banka, District- Banka.
4. Mines Inspector- cum Competent Officer, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“1 This is an application for issuance of a writ in the nature of Certiorari to Quash Letter No 1439, dated 24.09 2020 issued under the signature of Mines Inspector-Cum- Competent Officer, Banka by which petitioner has been directed to deposit Rs. 34,68,564/= in exercise of Rule- 56 (2) of Bihar Minerals (Concession. Prevention of illegal mining, Transportation and Storage) Rules. 2019 for the reason that neither in fact nor in law said provision has got any application in case in hand and letter in question on its face appears to be an out and out colourable exercise of jurisdiction by the authority and further for suitable compensation to the petitioner for

unnecessary and unwanted harassment at the level of the authority concerned and further for any other relief/s for which the petitioner may be entitled for in the facts and circumstances of this case.”

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(i) 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;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) Liberty reserved to the petitioner to challenge the

order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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