

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.723 of 2021

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Santosh Kumar Singh, S/o-Sri ram Prasad Singh, R/o Village and P.O.-
Sakhmohan, P.S. Bibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-Cum-District Magistrate,
Samastipur.
2. The Director Mines and Geology Department, Bihar, Patna.
3. The District Mines officer, Samastipur.
4. The Mines Inspector, the District Mines Office, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Sinha, Advocate
For the Mines	:	Mr. Naresh Dikshit, Spl. P.P. Mines. Mr. Brij Bihari Tiwary.
For the Respondent/s	:	Mr. Dr. Md. Rasul Haque, SC-10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

- “ (i) To issue an appropriate order/s, direction/ s including a writ preferably in the nature of mandamus commanding and directing upon the respondents to refund a sum of Rs. 30,000/-00 deposited through Challan in the month of Nov. 2019 under read of 853 for retail license of minor mineral as such the same was not issued in the light of order passed by this Hon'ble Court.
- (ii) To direct the respondents to refund the amount in question with penal interest on

account of delay and laches on the part of the respondents.

(iii) To any other reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.

Learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to Respondent No. 3, namely The District Mines Officer, Samastipur to consider and decide the representation to be filed within four weeks from today, within a period of three months from the date of its presentation.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

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

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

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.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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