

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2523 of 2021

Gaurav Indane Gramin Vitrak, Main Road, Tilauthu, Rohtas-821312 through its Proprietor namely Satyendra Kumar Dwivedi, aged about 51 years, Male, Son of Bishwanath Dwivedi, resident of Near High School, P.S. Tilauthu, District-Rohtas-821312.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum-Mines Commissioner, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Joint Secretary-cum-Director Directorate of Mines and Geology Department, Vikas Bhawan, Bailey Road, Patna.
3. The District Magistrate Rohtas at Sasaram.
4. The Assistant Director, Mines and Geology Department Rohtas at Sasaram
5. The District Mining Officer Rohtas at Sasaram.
6. The Bihar State Pollution Control Board, Parivesh Bhawan, Patna through its Member Secretary.
7. The State Environment Impact Assessment Authority through its Member Secretary, 2nd Floor, Beltron Bhawan, Shashtri Nagar, Patna- 800023

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate

For the Respondent/s : Mr. AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-12-2021

Petitioner has prayed for following reliefs:-

“(i) To issue an appropriate writ(s) /order(s) / direction(s) in the nature of certiorari for quashing the memo no.2739 dated 22.09.2020 issued under the signature of Special Secretary-cum-Director, Mines & Geology Department whereunder, the Director, Mines has extended the sand mining period (mineral concession period) of the erstwhile settlees who have been approved for mining in the past and in effect extended their environmental clearance for an indefinite period. (Annexure _).

(ii) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of mandamus commanding the respondents to provide necessary environmental clearance in terms of the Rule 17 of Bihar Sand Mining Policy, 2019. Sustainable Sand Mining Management Guidelines, 2016, approved Terms of Reference dated 22.07.2020 as well as in terms of Clause 23 of the NIT document issued by District Mining Office, Rohtas at Sasaram for the period 5 years commencing from 01.01.2020 for operating the Sand Ghat No.4 in the district Rohtas at Sasaram.

(III) To issue an appropriate writ(s)/ order(s)/direction(s) in the nature of mandamus commanding the respondents to conduct the public hearing in accordance with notice for public hearing published by the BSPCB on 24.10.2020 as mandated under EIA notification 2006 for grant of environment clearance.

(iv) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of mandamus commanding the respondents to issue work order in favoaur of the petitioner for sand mining in Rohtas Sone Ghat No.4 subject to the post facto approval of environmental clearance in terms of memo no.328 dated 11.02.2020 by which the petitioner has been declared as a successful bidder in E-bidding for calendar year 2020-2025.

(v) To issue an appropriate writ (s)/ Order(s) / direction(s) in the nature of mandamus commanding the respondent not to allow the other erstwhile settlee to execute any sand mining work on the basis of memo no.2739 dated 22.08.2020.

(vi) To any other relief(s) that the petitioner is entitled to in the facts and circumstances of the case.”

Learned counsel for the petitioner seeks permission to withdraw this application.

Accordingly, this application is dismissed as
withdrawn.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

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