

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8000 of 2021**

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Ganesh Int Udyog, Mauza - Jahangirpur Magarpal (Brahmachari Sherpur),  
P.O. - Sherpur, P.s. - Maner, District- Patna through its Proprietor Ram Babu  
Ray (Male), aged about 43 years, Son of Late Ram Jasi Ray, resident of  
Mohalla - Hira Tola, Sherpur, P.S. - Maner, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Patna, Bihar.
2. The Principal Secretary, Department of Mines and Geology, Govt. of Bihar, Patna.
3. The Director Mines, Department of Mines and Geology, Govt. of Bihar, Patna.
4. Assistant Director, District Mining Office, Patna.
5. District Mining Officer, Patna.
6. The Collector, Patna.
7. The Station Head Officer, P.s. - Maner, District- Patna.
8. Dev Kumar Ray Son of Late Chinta Ray resident of Village - Brahmchari, Pokhra, P.S. - Maner, District- Patna.
9. Arun Kumar Son of Late Chinta Ray, resident of Village - Brahmchari, Pokhra, P.S. - Maner, District- Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Prashant Kashyap, Advocate  
For the Respondent/s : Mr.Gyan Prakash Ojha (GA 7)

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE SANJEEV PRAKASH  
SHARMA**

ORAL ORDER

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

2      03-01-2022      Petitioner has prayed for the following relief(s):

(I) For issuance of appropriate writ(s) thereby quashing and setting aside the communication bearing letter no.995 dated 28.09.2020 issued by the respondent Circle Officer, Maner, Patna



whereby the said respondent in collusion with the private respondent nos. 8 and 9 has entered into illegal adjudication of claim of Respondent no. 8 & and 9 over the petitioner's Lease Agreement for his Brick Kiln namely M/s Ganesh Int. Udyog situated at Mauza Jehangirpur Magarpal (Brahamchari Sherpur), P.O.- Sherpur, P.S.- Maner, District- Patna exercising his power which is beyond his jurisdiction and is not vested with him relating to inter se dispute of Mining Lease Agreement between two private parties.

(ii) For further issuance of appropriate Writ(s) thereby restraining the respondent Circle Officer, Maner Patna to not to interfere in the matter of inter se dispute relating to Mining Lease Agreement between the petitioner and the lease holders at the behest of the of the private respondent no. 8 and 9 who have illegally entered into encroachment over the petitioner's Brick Kiln during the period the petitioner was in Jail Custody for about one year in Cheque Dishonor case.

(iii) For further directing the concerned respondents to take appropriate steps to get the petitioner's Brick Kiln namely M/s Ganesh Int. Udyog free from encroachment made by the private respondent no.8 and 9 with due process of law.

(iv) For grant of any other relief/s which the petitioner may be entitled to in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to prefer an appeal/revision before the appropriate authority for redressal of the grievances, in accordance with law.



Shri Naresh Dikshit, learned AAG 13, points out that the petitioner can exercise such remedies which are equally efficacious under the provisions of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

Prayer allowed. Liberty, as prayed for, granted.

Shri Dikshit states that if the petitioner were to take recourse to appropriate alternative remedies within a period of four weeks, limitation shall not be allowed to come in the way of its consideration and decision on merits since the petitioner has been pursuing remedies before this Hon'ble Court.

The present petition is, accordingly, disposed of as withdrawn reserving liberty to the petitioner to initiate appropriate proceedings before the appropriate authority within a period of four weeks from today. If such a proceeding is initiated by the petitioner within the stipulated time, the authority concerned is directed to consider the same and dispose it of expeditiously and preferably within a period of three months thereafter.

All issues of fact 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.

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

**(Sanjay Karol, CJ)**

**( Sanjeev Prakash Sharma, J)**

K.C.Jha/-

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