

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6298 of 2021

Subodh Kumar Singh Son of Late Uday Pratap Singh, Resident of Village-Fatehpur, P.O. and P.S.-Raghopur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Works Department, Government of Bihar, Patna.
2. Engineer-in-Chief-Cum-Additional Commissioner-Cum-Special Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Executive Engineer, Vaishali Building Division Hajipur, District-Vaishali.
4. The Assistant Engineer, Hajipur Sub-Division No.2, Building Sub-Division No.2, Hajipur.
5. The District Mining Officer, Vaishali, Hajipur, District-Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ratna Deep Prasad, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha, GA 7
		Mr. Naresh Dikshit, Spl. P.P. (Mines)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 04-01-2022

Petitioner has prayed for the following relief(s):

“That this is an application for issuance of a writ in the nature of mandamus or any other appropriate writ/writs, order/orders or direction/directions upon the Respondent to refund the royalty deducted from the bills of petitioner after certificate issued by the Mines Department that the



petitioner has used royalty paid minerals for works done in respect to Agreement No.23F2 of 2017-2018 and Agreement No.02F2 of 2018-19 because the Respondents are not entitled to charge royalty or any tax twice and to retain the amount of royalty, charged subsequently, after receipt of certificate from Mines Departments.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to Respondent No. 3, namely The Executive Engineer, Vaishali Building Division, Hajipur to consider and decide the representation to be filed within a period of four weeks, 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)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.01.2022
Transmission Date	

