

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5063 of 2020

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Upendra Singh Construction Private Limited a Company Incorporated Under the Companies Act having its registered office at Vinay Complex, 2ne Floor, Infront Of Dr. Anil Kumar, Near Kali Asthan, Old G.T Road, Sasaram, District Rohtas Bihar 821115, through its Authorised Signatory Sri Kamlesh Singh aged about 42 Years (Male), Sono f Chaturi Singh Resident of Village and P.O. and P.S. Rewai, District-gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary Cum Mines Commissioner, Mines and Geology department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Special Secretary Cum Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Additional Secretary Cum Director, Cum Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
5. The District Magistrate, Rohtas.
6. The District Mining Officer, Rohtas.
7. The State Level Environment Impact Assessment Authority, through its Chairman, 2nd Floor, Beltron, Baldev Bhawan Rd, Shastri Nagar, Patna, Bihar 800023.
8. Aditya Multicom Private Limited, 12 Waterloo Street, Kolkata, West Bengal 700069.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar with Mr. Rajiv Kumar Singh, Advocates
For the State	:	Mr. Gyan Prakash Ojha, GA 7
For the SEIAA, Bihar	:	Mr. Kumar Ravish, Advocate with Ms. Siddhi Aashana, Advocates
For the Spl. P.P. Mines	:	Mr. Naresh Dixit, Advoate (Ga7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 10-10-2022 Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):



- i) To issue an appropriate writ, order or direction in the nature of *certiorari* for quashing letter no. 4949 dated 27.12.2019 issued by the Respondent Special Secretary cum Director, Mines and Geology Department in exercise of Rule 77 (2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019, whereby the settlement period of the settees of sand ghats in Bihar which was ending on 31.12.2019 has been extended till 31.10.2020 or till the new settees obtain environment clearance, whichever is earlier.
- ii) Consequent to grant of relief no (i) to issue a further writ, order or direction in the nature of *mandamus* commanding the respondents to allow the Petitioner to conduct the mining activity at Rohtas Sone 13 Sand Ghat.
- iii) This Hon'ble Court may adjudicate and hold that the settlement term of Respondent no. 8 cannot be extended and it cannot be allowed to conduct mining activity in the district of Rohtas without it having obtained a fresh environmental clearance and mining plan for the extended period.
- iv) This Hon'ble Court may further adjudicate and hold that the decision to allow the existing settee to conduct mining



activity without its having environment clearance in preference to the Petitioner (which too does not have environment clearance), is arbitrary in nature and tantamounts of abuse of powers vested in the Respondents

- v) This Hon'ble Court may further adjudicate and hold that no entity/person can be allowed to conduct mining of sand without it having obtained an environment clearance from the competent authority.
- vi) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.

After some arguments, learned counsel for the petitioner seeks permission to withdraw the present petition.

Permission granted.

As such, the present petition stands dismissed as withdrawn.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Anjani/Ashwini

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