

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6548 of 2021

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Md. Masiha Son of Md. Abdul Haque Resident of Mohalla-Laukaha, P.S.-
Laukaha, District -Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Cum Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
2. The Joint Secretary Cum Director, Department of Mines and Geology, Government of Bihar, Patna.
3. The Collector, Madhubani.
4. The Senior Collector-Cum-Assistant Mining Officer, Madhubani.
5. The Mining Officer, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Mohammad Sufyan, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

1. That this an application for issuance of an appropriate writ/writs, order/orders, direction/directions commanding the respondents to exempt the petitioner from paying settlement amount for mining for the period of 40 days i.e. from 01.01.2019 to 09.02.2019 for which period the petitioner was



unable/restrained to do the mining work without any fault of his own and adjust the said amount paid by the petitioner and be further pleased to grant any other relief/reliefs for which the petitioner is entitled under the law.

After the matter was heard for some time, Shri Ansul, learned counsel for the petitioner, under instructions from the petitioner, states that petitioner's request, pending consideration with the appropriate authority, may be directed to be decided in accordance with law, more so, in the light of the decision rendered by the learned Single Judge of this Court in CWJC No. 17199 of 2016, titled as Md. Masiha Vs. The State of Bihar & Ors.

Well, we do not express any opinion with regard to the binding effect of the principle laid down in the case of Md. Masiha (supra), but direct the appropriate authority to consider the pending request of the petitioner dated 20.09.2019 (Annexure-6) by passing a reasoned and speaking order.

As such, petition stands disposed of in the following terms:-

(a) The appropriate authority shall consider and



dispose of the petitioner's request (Annexure-6) expeditiously by a reasoned and speaking order preferably within a period of three months from the date of presentation of a copy of this order;

(b) Needless to add, while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(c) Opportunity of placing all materials, in entirety, shall be granted to the parties;

(d) Also, the reasoned and speaking order passed by the appropriate authority shall be supplied to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) 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;

(g) Liberty reserved to the petitioner to challenge the order before the appropriate forum, should the need so rise subsequently;

(h) We have not expressed any opinion on merits.



All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/KC Jha

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

