

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4379 of 2022

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Dr. Chandeshwar Singh, Son of Late Rudra Singh, resident of Road No. 1,
Bankipur Circle, Rajendra Nagar, Patna, presently residing at Native Village
Dabil Garh, P.S. Khaira, Dist. Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector cum-District Magistrate, Jamui.
2. The Principal Secretary cum Commissioner of Mines and Geology, Bihar.
3. Managing Director, Bihar State Mining Corporation Ltd.
4. The Collector-cum-District Magistrate, Jamui.
5. Superintendent of Police, Jamui.
6. District Mining Officer, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha (G.A. 7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(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.)

2 08-04-2022 Petitioner has prayed for following relief(s) : -

- I. For commanding and directing the respondents to protect and ensure natural Geological environment and Natural Existence of River Kiul in Jamui District particularly near and around Jamui Garsanda - (Gidhaur road. The contractor who has been licensed to lift SAND from the river bed is extracting sand brutally and against to the mandate of Civil Appeal No.3661-3662 of 2020, dt. 10.11.2021 by Hon'ble Supreme



Court and also mandate prescribed in Environmental and Geological law of our land. They have been extracting sand in excess to the permissible depth of three meters and beyond the licensed area of 24 hectare and thereby causing serious damages, in fact destroying the Environmental and Geological nature of river Kiul. It will ultimately affect natural flow of water of river Kiul.

- II. Besides, since heavy transport vehicle has been employed for carrying sand from same Kiul River by contractor and instead of plying it through scheduled road it is being plied through Garsanda Gidhaur village road, entire roads and two three small bridges have been completely damaged, petitioner further prays for fixing accountability upon the Official Respondents and Contractor both for the said damage of road and also for transportation through a route not authorized in the license. The Cost of repairing of damaged road will be much higher than the revenue earned by the state government through instant SAND License.
- III. That, petitioner further prays for direction to the official respondent to supply name of Contractor licensed to extract SAND at Garsanda site of Kiul River at Jamui District, contractor has not installed sign board near the sand extraction point or anywhere around the river bank and as such petitioner has no details of Contractor licensed to extract SAND, and as such Petitioner further seeks indulgence of this Hon'ble Court to implead the Contractor/licencee as party in this case when his details is provided to the petitioner by the respondent .
- IV. That for any other relief(s) for which petitioner is found entitled on the facts of this case and also in the eye of law."

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner,



under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

The petition is disposed of as withdrawn with the liberty aforesaid.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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