

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4834 of 2022

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Raghwendra Kumar Singh Son of Sri Diwakar Singh Resident of Village and P.O.-Lahthan, Police Station-Agiaon Bazar, District-Bhojpur at Ara a Partner of M/S Raj Fun N Art, Head Office, Quarter NO. B-1340, Sector-2, HEC Colony, Dhruwa Ranchi, Jharkhand Local Office House NO.-3409, Village and P.O. Dhandiha, Police Station-Koilwar, District-Bhojpur, Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secrerary, department of Mines and Geology, Govt. of Bihar, Patna.
2. The Principal Secreary, Department of Mines and Geology, Govt. of Bihar, Patna.
3. The Collector-Cum-District Magistrate, Bhojpur, Ara.
4. The Assistant Director, Mines, Bhojpur, Ara.
5. The District Mines Officer, Bhojpur, at Ara.
6. The Sub-Divisional Magistrate, Ara Sadar, District-Bhojpur at Ara.
7. The Circle Officer, Koilwar, District-Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate Mr. Abhishek, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha (GA 7) Mr. Naresh Dixit, Spl. P.P. Mines

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(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.)

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Date : 13-05-2022

Heard learned counsel for the parties.



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

- i. For setting aside the order contained in Memo No.1971 dated 25.8.2020 issued under the signature of the Collector, Bhojpur whereby he has rejected the representation dated 8.11.2017 filed by the petitioner for refund of amount deposited by him as per the auction held for unclaimed sand lying on the different place of Bhojpur district which was seized and decided to auction as provided under section 21 of Mines and Mineral (Development and Regulation) Act, 1957 as the quantity of sand shown in the tender notice was not available at the site.
- ii. For direction to the Respondents to refund the amount with suitable interest of sand which was not available at the site as per the tender notice which was allotted to the petitioner in the auction process conducted by the respondents.
- iii. For grant of any other relief or reliefs for which petitioner is entitled in the fact and circumstances of the case.

Learned counsel for the respondents opposes the present petition on the ground that a statutory remedy by way of an appeal is available to the petitioner.

In this view of the matter, learned counsel for the petitioner does not press the present petition reserving



liberty to prefer an appeal.

Liberty granted.

We clarify that since the petitioner has been pursuing the remedy before this Court, the issue of limitation, as is so stated by the learned counsel for the Mining Department, shall not come in the way of the adjudication of the appeal on merits.

The instant petition stands disposed of as withdrawn in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16.05.2022
Transmission Date	

