

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5309 of 2022

Vibharaj Construction Pvt. Ltd. having its registered office at Village- Pathra English, P.O.- Orhanpur, P.S.- Muffasil, District- Nawada, Bihar- 805103 through its Authorised Representative and Signatory Sindhu Kumar, son of Sri Rajendra Prasad Yadav, resident of Village- Baladih Islamnagar, Balapur Sanda, Aliganj, P.S.- Chandradeep, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar
2. Principal Secretary, Mines and Geology Department, Government of Bihar
3. District Collector, Sheikhpura

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mt. Umesh Prasad Singh, Sr. Advocate Mr. Anil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha (GA7) Mr. Naresh Dikshit, Spl. P.P. (Mines)

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-05-2022 Petitioner has prayed for the following relief(s):

“I. To issue rule NISI in the nature of a writ of mandamus commanding the respondents to grant extension to the petitioner (Lessee) for the period the petitioner could not start mining operation adopting blasting procedure due to the fact that the State authorities particularly the District Collector, Sheikhpura did not grant permission for use of explosive, the other reason for suspension of work due to declaration of lockdown by the



Central Government as well as by the State Government in accordance with the provisions of Epidemic Act, 1897-Covid-19, a force majeure;

II. To issue other appropriate writ, order, direction or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case."

Shri Umesh Prasad Singh, learned Sr. Advocate who appears on behalf of the petitioner, states that petitioner is ready and willing to approach respondent No. 3, namely District Collector, Sheikhpura, seeking extension of the period for which the petitioner could not work during the time of current Pandemic Covid-19.

Well, without expressing any opinion on merits, we allow such prayer, reserving liberty to the petitioner to approach respondent No. 3, namely District Collector, Sheikhpura.

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

- (a) Petitioner shall approach the authority concerned i.e. Respondent No.3, namely the District Collector, Sheikhpura within a period of four weeks from today by filing a representation for redressal of the grievance(s);



- (b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of two months from the date of its filing along with a copy of this order;
- (c) The order assigning reasons shall be communicated to the petitioner;
- (d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;
- (e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;
- (f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;
- (g) 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;
- (h) Liberty reserved to the petitioner to approach the



appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

(j) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

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