

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5467 of 2022

Md. Israil Son of Late Wasimuddin, Resident of Village-Tupamari, Post Office-Belwa, Police Station-Kishanganj, District-Kishanganj.

... .. Petitioner/s

Versus

1. The Bihar State Mining Corporation Limited through its Managing Director, Vikas Bhawan, New Secretariat, Bailey Road, Patna.
2. Managing Director, Bihar State Mining Corporation Limited, Vikas Bhawan, New Secretariat, Bailey Road, Patna.
3. General Manager, Vikas Bhawan, New Secretariat, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate
For the Respondent/s : Mr. Naresh Dikshit, Spl. P.P. Mines
Ms. Kalpana, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 02-11-2022 Petitioner has prayed for the following relief(s):-

- (i) For a writ of certiorari or any other writ, order or direction to quash Clause 6(iv) of the Notice Inviting Tender as arbitrary and ultra-virus the Rule contained in Bihar Mineral (Concession Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 issued vide notification no. 4/V.Mu-20-93/18-3174/M dated 17.09.2019.
- (ii) For a writ of certiorari to quash the order dated 29.03.2022 as contained in memo no. 08/Balu-39/22-947 dated 29.03.2022, passed



by the General Manager, Bihar State Mining Corporation Limited, whereby the settlement of Balu Ghat in favour of petitioner for Cluster No. 1 (Tengamari & Halamala, Sundar Bari & Tupamari Sand Ghat) in the District of Kishanganj was cancelled on the ground that character certificate submitted by the Superintendent of Police, Kishanganj was incorrect and therefore the petitioner was ineligible to participate in the tender on account of pendency of criminal case, which action of the respondent is arbitrary, capricious and unsustainable and violative of Article 19(1)(g) of the Constitution of India and fit to be set aside.

(iii) For a direction that consequent upon such declaration of setting aside the impugned order, the petitioner may be allowed to continue the settlement for the period he was illegally and wrongfully deprived to carry mining activity and for the extended period as and when such decision is taken .

(iv) For any other relief / reliefs to which the petitioner is found entitled in the facts and circumstances of the case.

Learned counsel for the petitioner seeks permission to withdraw the present petition.



Permission granted.

The instant petition stands disposed of as withdrawn.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

P.K.P./Amrendra

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