

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10086 of 2021

Uttam Yadav, Son of Mahavir Yadav, Resident of Village-Dayalpur, P.S.-
Rajoun, District-Banka

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mining, Bihar, Patna.
2. The District Magistrate, Banka
3. The Superintendent of Police, Banka.
4. The District Mining Officer, Banka.
5. The S.H.O. of Rajoun Police Station, District- Banka

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Md. Nurul Hoda, Advocate
For the Respondent/s	:	Md. S. Raza Ahmad, AAG-5
		Mr. Gyan Prakash Ojha, GA-7

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-01-2022

Petitioner has prayed for the following relief/s :-

1. That this writ petition is directed for issuance of appropriate writ/writs, order/ orders, direction/directions for commanding the respondents authorities for release of Tractor Vehicle with trolley bearing Registration No.BR – 51 A // 9532, Chasis No. RFNH05976 which was seized in Rajoun P.S. Case No. 15/2021 dated 14.01.2021 registered for alleged offence under Sections 378, 379, 411, 386, 120 B of the I.P.C., MMRD Act, 1957 Rules 4(1) & Bihar & Bihar Minerals (Concession), Prevention of Illegal Mining Transportation Rules, 2019 11, 41, Rules 56 (2) & Section 15 of NGT Act, 2010 which is pending in the court of learned C.J.M., Banka in favour of the petitioner as the petitioner is actual/bonafide owner of the said vehicle and he is ready to give appropriate sureties for the same as per direction of this Hon'ble Court.



After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to take appropriate proceedings in accordance with law, before the appropriate authority.

Permission granted.

Learned counsel for the respondents states that if such a proceedings is taken within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the matter on merits.

Statement accepted and taken on record.

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

(a) Petitioner is permitted to take appropriate proceedings in accordance with law, before the authority concerned, within a period of four weeks from today;

(b) In the event of taking appropriate proceedings within a period of four weeks from today, the issue of limitation, if any, shall not come in the way of adjudication of the matter on merits;



(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The appropriate authority shall decide the matter on merits, in compliance of the principles of natural justice;

(f) The appropriate authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of taking appropriate proceedings;

(g) Copy of the order passed by the appropriate authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(i) 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;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

Ashwini/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	05.01.2022
Transmission Date	

