

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11422 of 2021

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Sri Rajendra Singh, Son of Late Ramdev Singh, Resident of 15 Mother Teresa Marg, North Krishnapuri, Patna, P.S. Krishnapuri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, Gaya.
3. The Principal Secretary, Mines and Minerals Department, Government of Bihar, Patna.
4. The Secretary, Mines and Minerals Department, Government of Bihar, Patna.
5. The Assistant Director, Mines and Minerals Department, Government of Bihar, Patna.
6. Special Secretary-cum-Director, Mines and Minerals Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mr. Naresh Dikshit, Spl. P.P.

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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 : 07-01-2022

Heard learned counsel for the parties.



The petitioner has prayed for the following relief/s :-

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- a) For issuance of writ in the nature of mandamus for giving a direction to grant extension of lease period of Jagarnathpur Stone quarry mining ^{having volume-119} Plot No. 798 (Part) Block No. 02 of Area 12.5 Acre within Anchal Chandauti, P.S. Chandauti, District Gaya for further one year from 4.3.2021 to 4.3.2022.
- b) For giving a direction to grant similar relief to the petitioner also in terms of the government notification No. 4948, 4949 dt. 27.12.2019 and notification contained in Memo No. 2646 dt. 14.9.2020 and 3436 of 30.12.20 in terms of Rules 77(2) of Bihar Minor Mineral Concession Prevention of Illegal Mining Transportation and Storage Rules 2019 due to prevalent situation arises of Covid-19 with 50% enhancement of settlement amount and in pursuance of EC clearance ^{EC} granted by central government due to Covid-19 ^{act} also in terms of similar relief granted by state of Jharkhand.
- c) For grant of stay of further action by allowing the petitioner to continue stone quarry on the basis of lease dt. 5.3.2016.
- d) Any other relief/s which this Hon'ble Court may deem fit and proper in the fact and circumstances of this case.

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After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

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

(a) Petitioner shall approach the authority concerned i.e Respondent No. 4, namely The Secretary, Mines and Minerals Department, Government of Bihar, Patna within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The said authority shall consider and dispose it of expeditiously by a reasoned and speaking order



preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

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

(h) 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, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	10.01.2022
Transmission Date	

