

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10920 of 2021

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M/s Jai Mata Di Enterprises through its Sole Proprietor, Shri Gopal Prasad, Male, aged about 54 years, Son of Late Mani Lal, Resident of Hanuman Complex, Main Road, Nawada, P.S.- Nawada, District- Nawada- 805110.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
3. Bihar State Mining Corporation Limited, A Government of Bihar Undertaking, Room No.164, Vikas Bhawan (New Secretariat), Bailey Road, Patna- 800015 through its General Manager.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prachi Pallavi, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG

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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 : 04-01-2022

Heard learned counsel for the parties.

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

“(i) Issuance of a writ of mandamus, directing the respondents to pay the freight charges borne by the petitioner along with accrued interest



@18% per annum, from the date it became due till the date of actual payment in transporting sand from the Sand Mines to the depots of the Bihar State Mining Corporation Limited for the months of January, February, 2018 & July, 2018 amounting to Rs.97,04,653/- (Annexure-2.. , page ...18....);

(ii) To pass such other order(s), direction(s) as your Lordships may deem fit and proper in the facts and circumstances of the case.

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. 3, namely Bihar State Mining Corporation Limited, A Government of Bihar Undertaking, Room No. 164, Vikas Bhawan (New Secretariat), Bailey Road, Patna-800015 through its General Manager 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)

Amrendra/KC Jha

AFR/NAFR	
CAV DATE	
Uploading Date	08.01.2022
Transmission Date	

