

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12416 of 2021

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Janeshwar Singh, S/o- Rampayar Singh, Resident of A/18, Abhiyanta Nagar,
Ashiana Nagar, Ram Nagri, Phulwari, P.O. and P.S.- Phulwari, Patna, Bihar-
800020.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary.
2. The Department of Mines and Geology, through their Principle Secretary
Cum Mines Commissioner, Govt. of Bihar, Patna.
3. The Additional Secretary Cum Director Mines and Geology Department,
Govt. of Bihar, Patna.
4. The District Magistrate Arrah, Bhojpur.
5. The Assistant Director, District Mining Office, Bhojpur, Bihar.
6. The District Mining Officer Arra, Bhojpur.
7. The State Level Environment Impact Assessment Authority Patna, Bihar.
8. The Aditya Multicom Pvt. Ltd. 12 Waterloo, Kolkatta, West Bengal- 700069.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mayank Singh, Advocate
For the Respondent/s : Mr.Lalit Kishore (A.G.)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the
Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 06-01-2022

Heard learned counsel for the parties.

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

“1. That the Petitioner is filing this instant writ Petition
under article 226 of the Constitution of India for issuance of
a writ of mandamus or any other appropriate writ inter alia
directing the respondents for the return and reversal of of
the security deposit made against ghat no. 68 on River Sone
at Bhojpur, Bihar under the reference to the E-Auction

tender no. Auction RE-01/2019- 2020/E-
Auction/MGD/BHOJPUR.

That since there had been inordinate delay in allotment & finalization of sand that this petitioner as the other had suffered irreparable financial loss & damage with mental agony and embarrassment and therefore seeks refund of security deposit with interest of 10% payable at CAGR Per annum deposited against E-Auction Tender/Auction No-RE-01/2019-20/E-Auction/MGD/BHOJPUR in reference to the ghar no.68 on River Sone where the total security deposit stands at Rs. 22,9000,247/- (Two crores twenty nine lacs two hundred and forty seven only) and further to direct the authority concern to investigate and register case against illegal minings.”

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 i.e. (Respondent No. 2, The Department of Mines and Geology, through their Principle Secretary Cum Mines Commissioner, Govt. of Bihar, Patna) 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 four 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 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 four 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 challenge the order before the appropriate forum, should the need so arises

subsequently.

(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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	