

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7730 of 2018

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M/s. Mahadev Enclave Pvt. Ltd. S/o Shri Ajay Rathi, R/o 3-B 22 23 Sukhadia
Nagar, Sri Ganganagar Rajasthan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary cum Commissioner, Department of Mines and
Geology, Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, Gaya.
4. The Assistant Director of Mines, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gautam Kumar Kejriwal, Advocate
For the Mining	:	Mr. Naresh Dikshit, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha -G.A.7
		Mr. Sushil Kumar Singh, AC to GA-7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-07-2022

Heard learned counsel for the parties.

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

- (a) For issuance of a writ in the nature of mandamus directing the
respondents specially the respondent no. 2 to 4 to grant
additional 72 days of settlement for mining rights to the

petitioner with respect to the calendar year 2018 for the District of Gaya;

- (b) For issuance of a writ or order or direction in the alternative upon the respondents to refund a sum of Rupees 1,26, 97, 546.23/- petitioner for having recovered the said amount from the petitioner on the one hand and depriving the petitioner from mining activities on the other hand by disablement of E-challans downloading facilitation;
- (c) For issuance of a writ or order or direction in the alternative upon the respondent no. 2 to 4 to collect the installment of the settlement amount from the petitioner for the year 2019 reduced by a sum of Rupees 1,15,43,223.85/- which is the total cost paid by the petitioner for those 72 days when the petitioner has not been allowed to perform mining activity without any rhyme and reason and without any jurisdiction and authority in terms of Bihar Minor Mineral Concession Rules 1972 (hereinafter referred to as the Rules 1972 for short);
- (d) For issuance of a writ or order or direction upon the respondent no. 2 to 4 for also reduce from the settlement amount

recoverable from the petitioner for the calendar year 2019 by a sum of ₹ 11, 54, 322.38/- on account of minimum of 10% of profit which the petitioner would earn in case the petitioner would be allowed to perform mining activity for 72 days;

(e) For holding and a declaration that the respondent Department of Mines and Geology and its authorities much less the respondent no. 2 the then in office had no jurisdiction and authority in terms of the Rules 1972 to disable the E-challans downloading facilitation for the petitioner for the aforesaid 72 days of settlement period for the District of Gaya;

(f) For further holding a declaration that on account of illegal, invalid and unjust and unreasonable disablement of the E-challans downloading facilitation by the respondent Department and its concerned authorities, the petitioner has suffered huge losses as stated in figures hereinabove for which the respondent Department and its concerned authorities are responsible and accountable;

(g) For grant of any other relief or reliefs to which the petitioner is found entitled to 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 i.e. **(Respondent no. 2, The Principal Secretary cum Commissioner, Department of Mines and Geology, Govt. of Bihar, Patna)** or any of the statutory authority 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) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

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

(f) 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;

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

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

(i) 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)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	