

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10084 of 2022

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Shyam Kumar Ray, Son of Ramesh Ray Resident of Village- Ramaitol, PS-
Mahsi, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Departments of Mines and Minerals, Bihar, Patna.
2. The Principal Secretary, Departments of Mines and Minerals, Bihar, Patna.
3. The Minerals Development Officer, Samastipur, at Samastipur.
4. The District Transport Officer, Samastipur at Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha, Advocate
		Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA-7
		Mr. Yash Mathur, A.C. to GA-7
		Mr. Naresh Dikshit, Spl. P.P., Mines
		Ms. Kalpana, Advocate
		Mr. Utsav Anand, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-08-2022

Heard learned counsel for the parties.

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



(i) To issue a Writ (S) **CERTIORARI** in nature setting aside the recommendation for taking necessary action for illegal Mining/Transporting against the seized truck having registration no. BR09GA 1916, loaded with 600 Cft. Of Stone Chips, issued under signature of respondent no. 3, Minerals Development officer, District Samastipur, vide memo no. 686 dt. 21/06/2022

(ii) Further to issue a Writ (S) **CERTIORARI** in nature setting aside the order of mining cost and its fine issued under signature of District Transport Officer Samastipur, (copy of same not given to petitioner and it was orally informed to deposit) to a sum of Rs. 2,70,313/- (Rs Two lakhs Seventy thousands and Three Hundred thirteen).

(iii) Further to issue writ **MANDAMUS** in nature directing the respondents authorities to refund the amount with interest so deposited by petitioner for safe release of seized truck in light of illegal seizure of truck of petitioner.

(iv) To any other relief (S) for which petitioners are entitled for in the facts and circumstances of the case.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to



take recourse to such other remedies, as are otherwise available,
in accordance with law.

Permission granted.

We are sure that as and when any such proceedings
are initiated, before the appropriate forum, the same shall be
considered and decided expeditiously, in accordance with law,
preferably within a period of three months.

Needless to add, period for which the petitioner has
been pursuing the matter before this Court, shall be excluded for
the purpose of computing limitation.

It is made clear that we have not expressed any
opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with
the liberty aforesaid.

Interlocutory application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	11.08.2022
Transmission Date	

