

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10491 of 2022

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Vinay Kumar S/o Mohar Prasad, R/o - Ward No. - 4, P.O. and P.S. - Pakari
Dayal, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary-cum-Mines Commissioner Mines and Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Special Secretary-cum-Director, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Additional Secretary-cum-Director, Mines and Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna.
5. The District Magistrate, East Champaran.
6. The District Mining Officer, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh, Adv Mr. Gyanendra Kumar, Adv
For the State	:	Mr.Gyan Prakash Ojha (GA7)
For the Mines	:	Mr. Naresh Dixit, Adv Mr. Sumit Shekhar Pandey, Adv Mr. Utsav Anand, Adv

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

Date : 04-08-2022

Heard learned counsel for the parties.

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

“That this is an application on behalf of above named petitioner for issuance of an appropriate writ(s)/ Order(s)/ Direction(s) to the respondents authorities to refund the earnest money, security money and all other amount deposited/invested by the petitioner for the settlement of 12(twelve) Sand Ghats of the entire East Champaran district pursuant to the auction held in the year 2018 along with the statutory interest.”

Learned counsel for the petitioner in support of his submissions relied upon a judgment of single bench of this Court in the case of **Amarnath Singh Vs. State of Bihar through Principal Secretary and Ors**, since reported in **2022 (1) PLJR (SC) 37**.

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 **respondent no. 4 Additional Secretary cum Director, Mines & Geology Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, 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 on 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) The order assigning reasons shall be communicated to the petitioner;

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

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

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

(g) 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;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently

on the same and subsequent cause of action;

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

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA