

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13414 of 2022

Prabhanjan Kumar @ Prabhanjan Yadav S/o Ram Chaltar Yadav, Resident of
Village-Jagarnathpur P.S.-Chandauti, District-Gaya, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Mines-Cum-Mines Commissioner Mines, Govt. of Bihar, New Secretariat, Patna.
3. The District Collector, Gaya
4. The Additional District Collector, Gaya.
5. The Under Secretary to the Government, Dept. of Mine and Geology, Govt. of Bihar, Patna.
6. The Assistant Director, Mines and Geology, Gaya.
7. The District Mining Officer, Gaya.
8. The Sub-Divisional Officer, Gaya Sadar, Gaya.
9. The Circle Officer, Town Block, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha (G.A.7)

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 : 16-09-2022

Heard learned counsel for the parties.

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

- i) To issue an appropriate order or direction for quashing the order Dated 29.07.2022 passed by Respondent Mines Commissioner, Bihar, issued under Memo No 3731 Dated 30.07.2022 whereby and where under the Respondent Mines Commissioner, Bihar has illegally and erroneously rejected the Representation filed by the petitioner in terms of the Hon'ble High Court order Dated 31.01.222 passed in CWJC No-14574 of 2019 and refused to grant lease of Settlement with respect to the Stone Land situated in Jaganathpur Mauza Under Gaya District appertaining to Khata No 119 ,Plot No-606/798 Area 3.13 Acres .
- ii) To issue an appropriate order or direction for annulling settlement of Mines (Jagarnathpur Mountain) situated in JagarnathpurMauja, Khata No. 119, Plot No. 606 (Old), 798 (New), Area – 2500 Decimal in favour of Rajendra Singh S/o Ramdev Singh and Suresh Prasad S/o Buddha Dev Yadav on 02.03.2016 and 08.03.2016 by the District Magistrate, Gaya.
- iii) To issue further appropriate writ, order or direction commanding the Respondent District Magistrate, Gaya to enter into a lease agreement with the Petitioner with respect to the above noted land which was

denied in the year 2000 on the ground that there was a report that there is a temple existing over the plot in question.

- iv) To issue further appropriate writ, order or direction commanding the Respondent Principal Secretary to issue a high level inquiry into mass bungling and fraud being committed in the matter of settlement of mines and creation of mining lease in the district of Gaya and punish the wrongdoers accordingly for the loss and damages caused to the Petitioner and the Government.
- v) This Hon'ble Court may adjudicate and hold that denial of settlement in favour of Petitioner in the year 2000 on the ground of existence of temple over the plot and making settlement in the year 2016 in favour of Rajendra Singh and Suresh Prasad is an act of mala fide and arbitrary exercise of authority by the Respondents.
- vi) To grant/ award any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.

Petitioner had earlier approached this Court by filing a writ petition being CWJC No.14574 of 2019 (Pravhanjan Kumar Versus State of Bihar and Ors.), which was disposed of on 13.1.2022 with a direction to the petitioner to file a detailed representation before the Mines Commissioner, Government of Bihar, Patna who shall decide such representation by a speaking and reasoned order and in compliance thereof, petitioner filed his representation before the Mines

Commissioner giving rise to Miscellaneous Case No.5 /2022 Gaya (Prabhanjan Kumar Versus District Collector, Gaya and Others) which was heard and rejected by the learned Mines Commissioner by order dated 29.7.2022 which has been impugned in present writ petition.

Case of the petitioner is that petitioner had filed an application in the year 2000 for grant of lease with respect to land appertaining to Mauza Jagarnathpur, Khata No.119, Plot no.606 / 798 upon which the Assistant Mining Officer noted that as per report submitted by the Circle Officer there is a temple situated over the land, as such, his application could not be forwarded to the District Collector for grant of mining lease whereas in the year 2016 with respect to same land, mining lease has been granted in favour of Rajendra Singh and, as such, same should be cancelled and mining lease should be granted to petitioner.

Mineral Development Officer, Gaya stated that vide department notification No.29 dated 24.3.2001, Rule 9 A and Rule 52 has been added in the Bihar Minor Mineral Concession Rules, 1972 and according to which, mining lease is to be settled through public auction. It was further stated that at present, in terms of Rule 22 of the Bihar Minerals (Concession,

Prevention of Illegal Mining, Transportation & Storage) Rules, 2019, mining lease can be settled only by public auction through e-tender. It is further stated that in terms of Rule 52 of Bihar Minor Mineral Concession Rules, 1972 after following all the due procedure, two mining lease dated 27.2.2016 and 4.3.2016 were settled for a period of 5 years in favour of Rajendera Singh and M/s Ramia Construction Private Limited which ended on 26.2.2021 and 3.3.2021.

Petitioner's representation in the year 2000 was rejected by the Assistant Mining Officer, Gaya and he assailed said rejection after 18 years and petitioner also did not avail remedy provided under the Rules against said rejection of his application for grant of lease in the year 2000, as there was provision for filing appeal under Section 47(1) within 30 days under Bihar Minor Mineral Concession Rules, 1972. Further, he did not participate in the auction in the year 2015 with respect to mining area which was done through e-auction and, accordingly, rejected the representation filed by the petitioner which is impugned in this writ petition.

This Court does not find any infirmity or error in the order dated 29.07.2022, passed by Mines Commissioner, Government of Bihar, Patna and accordingly, the present writ

petition is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	