

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18530 of 2021

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1. Rajesh Kumar Patel Son of Ganesh Mandal, Resident of Village- Lakra, P.O.- Matia, P.S.- Barhat, Matia District - Jamui.
 2. Mohammad Shadab, Son of Md. Shahabuddin, Resident of Village - Bhagwana, P.O.- Amrath, P.S.- Jamui Amrath, District - Jamui.
 3. Vinay Kumar, Son of Astika Singh, Resident of Village - Sankurha, P.O.- Amarath, P.S.- Jamui, Kundri Son Kurha Harla, District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar, Patna.
3. The Director, Mines and Geology Department, Government of Bihar, Patna.
4. The Assistant Director/Deputy Director, Mines and Minerals, Munger Circle, Munger.
5. The District Magistrate, Jamui.
6. The Mines Development Officer, District Mining Office, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jagjit Roshan, Advocate Mr. Apul, Advocate Mr. Amit Kumar, Advocate Mr. Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA-7 Mr. Naresh Dixit, Advocate

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

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 31-01-2022



Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

- I. Issuance of Writ or Writ in the nature of certiorari or order/direction in the nature of certiorari to quash and set aside the Memo No. – 907 dt. 25.08.2021 (Annexure – 4) issued by Respondent No. – 6 by which in a mechanical manner the Storage License of all the K license holder of District Jammu including the Petitioners have been cancelled for none of their fault and without giving any opportunity of Reply and Hearing and also without any allegation/ complaint and further also without assigning any reason which is against the Principle of Natural Justice.
- II. Issuance of Writ in the nature of Mandamus directing the Respondents to activate the User ID of the Petitioners and also permit the Petitioners to perform all the activities which the Petitioners are entitled to do in the light of Storage License issued by the Respondents. And further direct to restore the Storage License of all the Petitioners.
- III. For issuance of direction to stay the process of Memo No. – 907 dt. 25.08.2021 (Annexure – 4) issued by Respondent No. – 6 by which the Storage License of the Petitioners was cancelled till the final adjudication of the present Writ Petition.
- IV. Issuance of such other order/ orders, direction/ directions, relief/reliefs to which the petitioner may found entitled to be passed as your Lordships may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer an appeal against the impugned order before the Appellate



Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;



(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(i) 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;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the aforesaid terms.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	02.02.2022
Transmission Date	

