

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13788 of 2022

1. Bihar Truck Owner Association with its registered office at Qt. No. -4H/84-Bhutnath Road, Bahadurpur Housing Colony, Police Station-Agamkuan, Post Agamkuan, Distirct-Patna, through its General Secretary, Deep Nararyan Singh.
2. Ram Sevak Singh, S/o Sri Ram Balak Singh, Vill and P.O.-Bihat, P.S.-Barauni, District-Begusarai.
3. Ranjeet Kumar, S/o Narayan Singh, Ward No. 36 Court Road, Ashok Nagar, Pokhariya, P.S.-Sadar Begusarai, District-Begusarai.
4. Rajiv Kumar Singh, S/o Sarda Nand Singh, at Manori Ward No. 10 Sonbarsa, P.S.-Sonbarsa, District-Saharsa.
5. Shashikant Kumar, S/o Jay Jay Ram Pandit, at Mohalla ward No. 12 Near Kali Mandir, Baghra Purani Madhepura, P.S. -Puraini Bazar, District-Madhepura.
6. Manjit Kumar, S/o Krishna Singh at Sevaichak, PO Amarut, District-Gaya.
7. Ram Ikbāl Choudhary, S/o Vishwanath Choudhary, At Ward No. 11, Near Durga Mandir, Mahdauli, Rasalpur, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Mines and Minerals Government of Bihar, Patna.
3. The Principal Secretary, Department of Transport, Government of Bihar, Patna.
4. The Under Secretary to Government, Department of Mines and Minerals, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ratan Kumar Kumar, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha, GA-7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-11-2022

The petitioners have prayed for the following



relief/s :-

“That this is an application to declare ultra vires the Rule 56(2) of the Bihar Minerals (Concession Prevention of Illegal Mining Transport & Storage Amendment Rule, 2021) published in the Bihar Gazette dated 5th of July, 2021.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies as are otherwise permissible and admissible in accordance with law as also represent to respondent No. 3, namely, the Principal Secretary, Department of Transport, Government of Bihar, Patna, venting out the grievances, subject-matter of the present petition.

Prayer allowed. Liberty, as prayed for, is granted.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present petition is disposed of as withdrawn with the liberty aforesaid.

We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its presentation.

Needless to say that while considering such request,



principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	14/11/2022
Transmission Date	

