

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18872 of 2021

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Vikram Kumar Son of Shri Vijay Kumar Resident of Ward No.- 9, Madhuban Road, Chakia, Police Station- Chakia, District- East Champaran..

Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
3. The Director, Department of Mines and Geology, Bihar, Patna.
4. The District Magistrate, East Champaran, Motihari.
5. The Senior Deputy Collector-cum-Mineral Development Officer, East Champaran.
6. The District Mining Officer, East Champaran, Motihari.
7. The Officer-in-Charge, Chhatauni Police Station, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Basant Kumar Singh, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha (Ga7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 25-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- (i) for release truck (tipper) having Registration no.-
BR45G 4957 with loaded stone chips with
immediate effect and,

(ii) for issuance of any other consequential direction(s) for which the petitioner is found to be entitled to under the facts and circumstances of the case.

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.6, namely, The District Mining Officer, East Champaran, Motihari 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)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2022
Transmission Date	NA