

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20650 of 2021

Raj Kumar Singh, Raja Construction Pvt. Ltd. through its Managing Director,
Raj Kumar Son of Prem Dhari Singh, Male aged About 46 Years, Resident of
House No.A16, Bank of India Colony, Indrapuri, Raj Bazar, Rukanpura, B.V.
College, Patna-800014.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition Excise and Registration Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
2. The Principal Secretary, Prohibition Excise and Registration Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
3. The Additional Secretary, Prohibition Excise and Registration Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
4. The Sub Registrar, District Registry Office, Sheikhpura.
Respondent 1st set
5. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
6. The Additional Secretary, Mines and Geology Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
7. The Assistant Director, Mines and Geology Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
8. The District Magistrate-Cum-Collector, Sheikhpura.
9. The Mineral Development Officer Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kunal Tiwary, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha (Ga7)

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 : 20-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(I) For issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of mandamus directing and commanding the respondent authorities to consider the representation of the petitioner dated 29.11.2021 whereby and whereunder the petitioner has requested the Mineral Development Officer, Sheikhpura to accept the payment of 2nd installment of the Royalty amount of Rs.5,40,00,000/- (Rupees Five Crore Forty Lakh) in two equal installments as per the request of the petitioner made vide his representation dated 29.11.2021.

(ii) For issuance of writ in the nature of mandamus directing and commanding the respondent authorities for not to charge interest for the delay in payment of 2nd Annual installment as the delay is not attributable to the petitioner, rather the delay is on account of the inaction of the concerned respondent authorities.

(iii) For issuance of an appropriate writ, order or direction in the nature of mandamus commanding the respondents not to take any coercive steps against the petitioner for the delay in payment of 2nd Annual installment.

(iv) For any other relief/reliefs for which the petitioner is entitled to.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall

be content if the present petition is disposed of with a direction issued to appropriate authority, respondent no.9, the Mineral Development Officer Sheikhpura to consider and decide the representation to be filed within four weeks along with a copy of this order, within a period of three months from the date of its presentation.

Learned counsel for the respondent State states that if the representation is filed within the time stipulated, the same shall be considered and decided positively within a period of three months.

Statement accepted and taken on record.

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.

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

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.

Without expressing any opinion on merits of the claim and leaving all issues on facts and law open, the petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2022
Transmission Date	NA