

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4234 of 2018

V. K. Road Lines Pvt. Ltd. Through Its Director Kunal Deep Singh Gujral son of Tawinderjit Singh Gujral, Permanent Resident of 133, Narang Colony, A-Block, Janakpuri, P.O. P.S.- Janakpuri, District- West Delhi New Delhi. Registered Office- 29B, Madan Mohan Tola Street, Kolkata- 700005, Local Officer- Village- Bhaodokhara, P.O.- Orhanpur, District- Nawada- 805123.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Mines and Geology Department, Secretariat, Bihar, Patna.
3. The Inspector General of Registration, Old Secretariat, Patna.
4. The Collector, Nawadah.
5. The Assistant Director, Mines, Nawadah.
6. The District Sub Registrar, Nawadah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Sharma, Advocate
For the Respondent/s : Mr.G.P. Ojha, GA-7

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

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-09-2022

Petitioner has prayed for the following relief(s):

“a. For issuing a writ of Mandamus or any other appropriate writ, order or direction in the nature of Mandamus to direct the respondent authorities to commence the 5 years of



the lease from the period the petitioner is permitted to start mining and exclude the period during which no mining could be undertaken due to the illegal demand of Stamp Duty, and delay in granting in environment clearance, and/or

b. For issuance of a writ of certiorari or any other appropriate writ, order or direction in the nature of certiorari to quash the letter dated 05.01.2018 bearing no. 19 (Annexure P-11) issued by the Assistant Director, Mines, District Nawada; and further direction to allow the petitioner to pay the 2nd Installment in six months from the date of actual carrying out the mining operation.

c. For any other relief/reliefs to which the petitioner found entitled under the facts and circumstances of the present case.”

Mr. Naresh Dikshit, learned Special P.P., Mines, states that in a petition dealing with similar issue, where the authorities had actually passed an order, this Court, after hearing the parties, remanded the matter to the authority for consideration afresh by passing a speaking order. Shri Dikshit states that similar view can be taken in this case also.

Shri Sunil Kumar Sharma, learned counsel for the



petitioner, states that the petition can be disposed of with a direction to the authorities to pass an appropriate order in accordance with law. However, it is stated that the authority be directed to do so within a time-bound period.

Shri Dikshit states that needful shall positively be done upon the petitioner making himself available in the office of the respondent No.2, namely Principal Secretary, Mines and Geology Department, Government of Bihar, Patna placing on record the issues on which they require consideration. Thereafter the authority shall take a decision within a period of six weeks.

As mutually agreed, the petition is disposed of on the following terms:

(a) Petitioner shall approach the authority concerned within a period of two weeks from today by filing a representation for redressal of the grievance, placing on record entire material, including the ones placed in the instant petition;

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of six weeks 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;



Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	15.09.2022
Transmission Date	

