

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1213 of 2019

In

Civil Writ Jurisdiction Case No.3182 of 2016

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Ajay Nath Shukla, Son of Late Daksha Nath Shukla, Resident of J.F.- 3/32,
Road No. 10E, Rajendra Nagar, P.S.- Rajendra Nagar, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, State Government, State of Bihar, Patna.
3. The Principal Secretary, Department of Mining, State Government, Bihar,
Patna.
4. The Principal Secretary, the Department of Land and Revenue, State
Government, Bihar, Patna.
5. The Commissioner, Gaya Division, Gaya.
6. The District Magistrate, Nawada.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Aditya Shankar Prasad, Adv. Mr. Sanchay Srivastava, Adv. Mr. Aalekh Anand, Adv. Mr. Sushant Srivastava, Adv. Mr. Sourav Suman, Adv. Mr. Ravi Prakash, Adv.
For the State	:	Mr. Gyan Prakash Ojha (GA-7)
For the Mines	:	Mr. Naresh Dikshit, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 01-12-2022

Re. I.A. No. 1 of 2019 :

This interlocutory application has been filed seeking condonation of delay in preferring the present Letters Patent Appeal.

2. For the reasons stated in the application, the prayer is allowed and the delay in preferring the appeal is, hereby, condoned.

3. The I.A. No. 1 of 2019 stands allowed.

Re. L.P.A. No. 1213 of 2019 :

Heard the learned counsel for the parties.

2. The appellant is a landholder, which he purchased in an auction sale. The grievance is that mining operations are being carried out under a lease argument on the land which falls in the land of the appellant, which is not permissible as no consent has been taken by him for grant of such lease in his private land.



3. Mr. Naresh Dikshit, the learned counsel for the Mining Department has submitted that no lease has been granted giving any quarrying rights in the land of the appellant. Mining rights have been given for river bed, which does not fall in the purchased property of the appellant.

4. This was the sole reason for the learned Single Judge to have rejected the writ petition seeking *mandamus* against the authorities to take action for preventing illegal mining on the land of the appellant with preparation of plan with collaboration with the appellant for exploiting the minerals through legal mining of the said land.

5. It was rightly observed by the learned Single Judge that if at all the appellant was aggrieved by any illegal mining, he would have been well advised to approach the Collector of the area or to have taken recourse to other remedies available to him under the law for protecting and preserving his private property.



6. There is no reason why we ought to interfere with the order passed by the learned Single Judge.

7. The appeal is, accordingly, dismissed.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

Praveen-
II/Anuradha

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