

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21735 of 2019

Arshad Hussain Khan Son of Waheed Hussain Khan, Resident of Village-Ahiapur P.S. Maner, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology, Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary Cum Mines Commissioner, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Additional Secretary Cum Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Avinash Shekhar, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha (GA7)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-12-2022

Petitioner has prayed for the following relief(s):

“i) To issue an appropriate writ, order or direction in the nature of certiorari for quashing Notice Inviting E-Auction contained in P.R. No. 08504 (District)/2019-20 (Annexure 7) issued under the signature of the Respondent Collector, Patna, published on 28.09.2019, whereby and where under the Respondents have initiated the process for settlement of sand ghats in the District of Patna in accordance with the provisions of Bihar State Sand Policy 2019 and Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.



ii) For issuance of a declaration that the auction process initiated vide Notice Inviting E-Auction contained in P.R. No. 08504 (District)/2019-20 is in violation of order dated 27.09.2010 of Hon'ble National Green Tribunal, Principal Bench New Delhi passed in Original Application No. 66/ 2019 (EZ) whereby and where under the Hon'ble National Green Tribunal has directed that Clause 5 (i) of Bihar Sand Mining Policy 2019 shall not be acted upon; and also order dated 06.09.2019 of the Hon'ble National Green Tribunal, Principal Bench New Delhi passed in Original Application No. 53/2019 (EZ) whereby and where under the Hon'ble National Green Tribunal, had directed that Clause 5(ii) of Bihar Sand Mining Policy 2019 shall not be acted upon, and thus completely unworkable.

iii) Consequent upon grant of relief no. 1(i) and 1(ii), to issue a further writ order or direction in the nature of mandamus commanding the Respondents to defer the settlement process under Notice Inviting E-Auction dated 28.09.2019 till final adjudication O.A. No. 53 2019 (EZ) and O.A. No. 66/2019(EZ) pending before the Hon'ble National Green Tribunal.

iv) This Hon'ble Court may adjudicate and hold that the exercise to settle individual reaches of rivers in a district separately, is contrary to the judgment rendered by the Hon'ble Apex Court in the case of Deepak Kumar & Ors Vs State of



Haryana & Ors [2012 (4) SCC 629] which mandates the preparation of comprehensive mining plan for contiguous stretches of mineral deposits by the state governments and also the order/judgements of the Hon'ble National Green Tribunal.

v) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.”

Learned counsel for the petitioner, under instruction, states that, in view of the intervening developments, the present petition has become infructuous. As such, petitioner may be permitted to withdraw the present petition.

Prayer allowed.

Petition is disposed of as withdrawn as having become infructuous.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Saurabh/P.K.P.

AFR/NAFR	
CAV DATE	
Uploading Date	13.12.2022
Transmission Date	

