

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5258 of 2018

=====

M/s. Mahadev Enclave Pvt. Ltd. S/o Shri Ajay Rath, R/o 3 B22 23 Sukhadia
Nagar, Sri Ganganagar Rajasthan.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary cum Commissioner, Department of Mines and
Geology, Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, Nalanda.
4. The Assistant Director Mines, Nalanda.
5. The Mines Inspector, Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Gautam Kumar Kejriwal,Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha -GA 7

=====

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

(Per: HONOURABLE THE CHIEF JUSTICE)

3 10-03-2022 Petitioner has prayed for the following relief(s):

“(a) For issuance of a writ in the nature of
certiorari for quashing of the order dt. 14.03.18
passed by the respondent no. 2 in Misc. Case
No. 24 of 2018 vide memo No. 1401,
dt.14.03.18 whereby the settlement/mining lease
of the petitioner has been suspended with
immediate effect;

(b) For issuance of a writ in the nature of
certiorari for quashing of the entire proceedings
initiated vide Misc. Case No. 24 of 2018 by the
respondent no. 2 for being without jurisdiction



and authority has no provisions under the Bihar Minor Mineral Concession Rules 1972 (hereinafter referred to as 'the rules 1972' for short) confers any such jurisdiction upon the respondent no. 2;

(c) For issuance of a direction upon the respondents to not disturb and interfere with the mining rights of the petitioner in light of the proceedings initiated vide Misc. Case No. 24 of 2018 by the respondent no. 2 which is without any legal and valid basis much less any jurisdiction in law;

(d) For holding and a declaration that the respondent no. 2 has got no jurisdiction and authority to pass an order of suspension of the mining lease of the petitioner in absence of any such powers under the rules 1972 and therefore the impugned order is beyond the scope of the rules 1972;

(d) For a further declaration that the impugned order and the proceedings of Misc. Case No. 24 of 2018 is further illegal and bad for being violative of natural justice as no prior notice nor any opportunity of hearing has been afforded to the petitioner nor any material relied upon by the respondent no. 2 has been provided to the petitioner before such order has been passed and proceeding has been initiated directly affecting the rights of the petitioner in law;

(f) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.”



Learned counsel for the petitioner, under instructions, states that, in view of the intervening developments, the petition may be permitted to be withdrawn.

Prayer allowed.

Petition is disposed of as withdrawn.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

U			
---	--	--	--

