

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13046 of 2017

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Umesh Kumar Son of Late Jiyalal Rai, Resident of Mohalla- Nazirpur,
Akharghat, P.O.- Nazirpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department of Mines and Geology, Government of Bihar,
Patna.
3. The Principal Secretary, Department of Mines and Geology, Government of
Bihar, Patna.
4. The Commissioner, Tirhut Division, Muzaffarpur.
5. The District Magistrate, Muzaffarpur.
6. The Mining Development Officer, District Muzaffarpur.
7. The Director, Mining, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Verma, Advocate
For the Respondent/s	:	Mr.Ajit Kumar, GA-9
For Mines	:	Mr. Naresh Dixit, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 03-08-2023 Learned counsel for the petitioner prays for and is permitted to implead the Director, Mining, Bihar, Patna as respondent no.7 in course of the day.

Heard learned counsel for the petitioner, State as also
JC to Spl. P.P. Mines.

The present petition has been preferred for the
following relief:

*(i) issuance of an appropriate writ.
order or direction in the nature of*



Mandamus commanding and directing the respondent authorities to exempt the petitioner from payment of bid money for the period i.e. 11.05.2016 to 20.07.2016, during which even after grant of environmental clearance to the mining plan of the petitioner work permission was not granted to petitioner by the respondents;

(ii) issuance of an appropriate writ, order or direction in the nature of Mandamus commanding and directing the respondent authorities to exempt petitioner from payment of bid money for the period petitioner was waiting for environmental in clearance;

(iii) issuance of an appropriate writ, order or direction in the nature of mandamus commanding and directing the resplendent authorities



to exempt the petitioner from payment of bid money for the period from 1st July to 30th September in each year during which Mining of sand along ghats in the rivers is prohibited;

(iv) issuance of an appropriate writ, order or direction in the nature of Mandamas commanding and directing the respondents authorities to ameliorate petitioner for deficit/less collection of revenue on account of non issuance of transport / Vehicle challan books by the respondent authorities even on repeated requests and deposit of cost of issuance of challan books in the Treasury by petitioner;

(v) for any other relief or reliefs to which the petitioner may be found entitled to.

The sum and substance of the case of the petitioner is



that for a particular period between 10.2.2016 to 30.9.2016 he could not do the mining work and as such he should get exemption for the said period.

Learned JC to Spl. P.P. Mines submits that the petitioner should file a fresh representation before the respondent no.7, the Director, Mines, Bihar, Patna for consideration.

With the consent of the parties, the writ petition stands disposed of with liberty to the petitioner to prefer a fresh representation along with all the relevant documents within four weeks from today before the respondent no.7.

If such representation is filed, the respondent no.7, the Director, Mines, Bihar, Patna shall take up the same and dispose it of with a reasoned order preferably within a period of three months from the date of submission of the representation.

(Rajiv Roy, J)

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