

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17521 of 2022

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M/s Starnet Marketing Private Limited a registered Company under the Company Registration Act, through its Director Surendra Kumar Jindal, aged about 59 years, Gender- male, Son of Sri Babu Ram Jindal, Resident of 5A, Chanchani Colony, Dhaiya, Bhawardaha, Dhanbad Jharkhand-826004.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Environment Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Building, Patna.
3. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Old Secretariat Building, Patna.
4. The Director, Department of Mines and Geology, Government of Bihar, Patna.
5. The District Magistrate, Kaimur, Bhabhua.
6. The District Mining Officer, Kaimur, Bhabhua.
7. The Bihar State Pollution Control Board, Patna.
8. The Chief Conservator Forest Bihar, Patna.
9. The Block Forest Officer Kaimur Forest Block, Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan, Advocate
For the Respondent/s : Dr. K.N. Singh, A.S.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-01-2023

Petitioner has prayed for the following relief(s):-

“Issuance of directions, orders and writs in the nature of mandamus directing the Respondents to forthwith grant Environmental Clearance of the Madurna



Stone Mining Project situated at Village Madurna, Thana Bhabhua, District Kaimur which had been settled in the name of the petitioner subsequent to competitive bidding process on 24.05.2016 and initial Letter of Intent was issued on 26.07.2016 vide letter no. 1033 issued by the competent authority and subsequent to that the petitioner had submitted the mining plan including Progressive Mine Closure Plan which was also approved by the competent authority on 12.09.2017 vide Letter No. 2857 as also the Terms of Reference for obtaining the Environmental Clearance have also been approved for the project on 09.07.2020 vide F-J11015/63/2019-1A.II(M).

II. Issuance of directions, orders and writs in the nature of mandamus directing the Respondents to forthwith grant valid Letter of Intent after the project being recommended by the Mining Department which had been arbitrarily withheld though a presentation had been made before the EAC on 15th 17th September 2021 in the 37th meeting and during the aforesaid presentation, member of the EAC had asked for a valid Letter of Intent which was not updated during the date of presentation and for which the consultant had even received a comment from the EAC as "Poor



Performance".

III. Issuance of directions, orders and writs in the nature of mandamus directing the respondents to take into account that substantial amount of money had been invested by the petitioner's firm in this project including the bid amount and as such the valid letter of intent as well as the Environmental Clearance be granted in favour of petitioner's firm so that the mining activities be started after completion of the necessary formalities.

IV. Issuance of directions, orders and writs in the nature of mandamus directing the respondents to take immediate action in the aforesaid project as respondents thereby making the entire project stalled.

V. Any other relief or reliefs for which the petitioner may be deemed entitled to."

Learned counsel appearing on behalf of the respondents states that the issue, subject matter of the present petition, can be conveniently addressed by respondent no. 3 namely, the Principal Secretary, Department of Mines and Geology, Government of Bihar, Old Secretariat Building, Patna, should the petitioner approach the said respondent afresh by placing on record the entire material.



As and when the petitioner approaches the said authority, a decision on the petitioner’s request shall be taken in accordance with law, also accounting for the communication dated 27.5.2022 (Annexure-27 Page 116).

Needful be done within a period of two months thereafter.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present petition is disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

Prakash/Sujit

(Partha Sarthy, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

