

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1245 of 2023

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Avdhesh Kumar Singh S/o Late Sh. Kamal Dev Narayan Singh Permanent-
R/o. Vill. and P.O.- Bangra, Via- Daudpur, District- Saran, Bihar, Pin Code-
841205, Presently Off.- A-107 and 309, R.G. Complex, D.B. Gupta Road,
New Delhi- 110055.

... .. Petitioners

Versus

1. Government of Bihar through its Chief Secretary, Main Secretariate, Patna, Bihar- 800015, Also, at Add.- 4, Deshratan Marg, Rajvanshi Nagar, Patna, Bihar- 800001.
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna, Bihar- 800014.
3. Ministry of Environment, Forest and Climate Change, Government of Bihar, through its Principal Secretary, Add.- Sichai Bhawan, Secretariat, Patna- 800015.
4. The Chairman, State Environment Impact Assessment Authority (SEIAA), 2nd Floor, Beltran, Bhawan, Shastri Nagar, Patna- 800023, Bihar.
5. Commercial Tax Department Govt. of Bihar, through its Commissioner and Secretary, Vikash Bhawan, Bailey Road, Patna- 800015, Bihar.
6. Bihar State Pollution Control Board, through its Secretary, Parivesh Bhawan, Plot No. NS-B/2, Patliputra Industrial Area Partliputra, Patna, Bihar- 800010.
7. District Collector-Cum-Magistrate, Banka Office of Collectorate, Banka, Bihar 813102.
8. Sub-Divisional Magistrate, Banka Off.- Civil Court Compound, District- Banka, Bihar.
9. District Mining Officer, Mining Office, Collectorate Banka, Bihar.
10. M/s Mahadeo Enclave Pvt. Ltd., through its Director, Sh. Kartik Rathi, Add.- B-37, Ayodhya Marg, Hanuman Nagar, Jaipur, Rajasthan- 302021.
11. M/s Sand and Stone, through its Director Mr. Ajay Rathi, Add.- B-37, Ayodhya Marg, Hanuman Nagar, Jaipur, Rajasthan- 302021.
12. Mr. Raghav Chandak Proprietor, S/o Sh. Ashok Chandak R/o- 203, G- Block Sir Ganga Nagar, Rajasthan- 335001.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Singh, Adv.
For the Respondents : Mr. Kumar Ravish, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 03-04-2023

The writ application has been filed as a Public Interest

Litigation, wherein, the following reliefs have been sought:-

“i) for issuance of a writ of mandamus commanding the concerned respondent No. 1 to 9 and directing the respondent no.1 to 6 for constituting special Investigation Team for Enquiry and investigation for illegal mining activities viz-viz Dumping of Sand on agricultural land and Installation of Dharam kata on agricultural land without conversation of land usages since 2015-2021, transporting of 14-wheel vehicle for transporting sand during banned period of 14- wheel vehicle for carrying sand, without demarcation of sand Ghat for purpose of quarrying of sand, and without getting registration of work order for quarrying of sand from period of 2020-2021 which is loss of exchequers in District Banka by the respondent no. 10 to 12 with the connivance of erring officers i.e Respondent no. 7 to 9.

ii) To issue a direction to the respondent no.1 to initiate departmental enquiry against officers who are involved with respondent no. 10 to 12 for dereliction of duties/ promoting illegal mining activities in area of Banka and violation of service law.

iii) Or to pass such other order / orders, direction / directions as this Hon'ble Court may



deem fit and proper in the facts and circumstances of the case.”

2. The petitioner’s counsel submits that in respect of the relief claimed in the writ proceedings representation dated 26.11.2021, (Annexure-P/4) has been filed. However, the petitioner’s grievances have not been considered till date.

3. In view of the said submissions of the learned counsel for the petitioner, we are of the opinion that the Authority i.e., the District Magistrate (Respondent No.7) is required to at least consider the grievance of the petitioner, which may be done in accordance with law preferably within a period of three (3) months from the date of receipt/production of a copy of this order.

4. The writ application stands disposed of in the aforesaid terms.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10-04-2023
Transmission Date	N/A

