

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6491 of 2023

M/S Aditya Multicom Pvt. Ltd., a company incorporated under the provisions of the companies Act, 1956 having its registered office at 12, Waterloo Street, 2nd Floor, Kolkata- 700069, through its signing authority, Nitish Dubey, aged about 24 years, Gender- Male, son of Sanjay Dubey, Resident of Village Manipur, Post Doiyan, P.S. Dinara, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum- Principal Secretary, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna 800001
2. The Principal Secretary cum Commissioner Mines, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Special Secretary cum Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Assistant Director, Department of Mines and Geology, Aurangabad.
5. The District Magistrate-cum-Collector, Rohtas Aurangabad.
6. The Mining Development Officer, District Mining Office, Aurangabad.
7. The Chief Engineer, Irrigation Department, Water Resources Department, Aurangabad.
8. The Executive Engineer, Irrigation Circle, Daudnagar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jai Vardhan Narayan, Advocate
For the State	:	Mr. Gyan Prakash Ojha, G.A.-7
		Mr. Abhinav Ashok, A.C. to G.A.-7
For Mines Department	:	Mr. Naresh Dixit, Advcoate
		Mr. Utsav Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 01-07-2024 Heard learned Counsel for the petitioner, State as also Mines Department.

2. The present petition has been preferred for the following reliefs:-

*(i) issuance of directions, orders or writs
in the nature of mandamus directing the*



Respondents to decide and declare that the temporary iron bridge situated near Kera, Daudnagar had been constructed by the petitioner as the settlee of the sand ghat of the entire District of Aurangabad and the claim and utilization of the aforesaid bridge by local syndicate especially M/S Om Enterprises, Daudnagar, Aurangabad for illegal mining and transportation by the use of the aforesaid bridge be forthwith stopped;

(ii) issuance of directions, orders or writs in the nature of mandamus directing the Respondents to facilitate the Petitioner by providing protection of the Daudnagar Police Station by deployment of adequate force to remove the temporary bridge that has been constructed by the Petitioner for utilizing the same when the petitioner had been carrying on the mining activity as the settlee of the sand ghat whereas the petitioner and his employees are being threatened by the local miscreants not to remove the same as the same is being utilized by many unknown anti-social elements working under the syndicate and are causing hurdles and threatening the employees of the company that the aforesaid bridge constructed by the company is being utilized for their own purpose and as such the same cannot be removed and whenever the company has decided to take all measures to remove the bridge, the nuisance had been caused by the anti-social elements not to remove the same;



(iv) issuance of directions order or writs in the nature of mandamus directing the Respondent Sub-Divisional Officer, Irrigation Sub-Division Agnoor to be physically present as per the directions issued by the Executive Engineer, Irrigation Division, Daudnagar vide letter no. 630 dated 20.03.2023 at the time of removal of the structure i.e. the temporary iron bridge situated near Kera, Daudnagar;

(iv) issuance of direction, order or writs in the nature of mandamus directing the respondents not to allow the anti-social elements working under the syndicate to utilize the aforesaid bridge situated near Kera who are also causing hurdles and threatening the employees of the petitioner company that the aforesaid bridge constructed by the company is being utilized for their own purpose and as such the same cannot be removed.

3. The case of the petitioner is/was that he got mining lease for a piece of land in the year 2015 which came to an end in 2019. A temporary bridge was constructed by the petitioner but once the work was over, when he wanted to dismantle it, the locals/sand *mafia* threatened of dire consequences and the State-respondent also looked the other way.

4. Affidavits have come on record and now learned



Counsel for the petitioner submits that the one Rangesh Kumar Gautam (proprietor) of M/s Om Enterprises has preferred Title Suit No. 92 of 2023 with respect to the dispute in question which is pending before the learned Sub-Judge-I, Aurangabad.

5. In that background, he submits that the writ petition has now become infructuous.

6. Accordingly, C.W.J.C. No. 6491 of 2023 stands disposed of.

(Rajiv Roy, J)

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