

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9523 of 2023

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M/s Saheb Construction through its Proprietor Saheb Rai, aged about 34 years, (Male), Son of Baban Rai, Resident of Village - Bara Telpa Bhikhari Chowk, P.S. - Chapra, District- Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Secretary-cum-Principal Secretary Department of Mines and Geology, Government of Bihar, Patna.
2. The Additional Secretary-cum-Principal Secretary Department of Mines and Geology, Government of Bihar, Patna.
3. District Magistrate, Chapra.
4. The Mineral Development Officer, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha (GA-7)
	:	Mr. Naresh Dikshit, Spl. P.P. Mines

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 01-08-2024 Heard the parties.

2. The present writ petition has been preferred for:

*issuance of an appropriate writ(s),
order(s), direction(s) directing the respondent
authorities to extend the time by two months more
for disposal of the remaining 7963.90 MT at Mauja
Khawaspur 259 MT. Of yellow sand at Mauja
Raipur (Bingama) sand ghat and 2197.01 MT.*



Yellow sand at Mauja Chirand as above mentioned quantity of sand would not be disposed of. As he had been granted a total of 59245 cft of yellow sand at Khawaspur, 141275 ctf of yellow sand at Raipur (Bingama) and 131100 ctf of yellow sand at Chirand Mauja's in the auction regarding settlment of seized illegally extracted sands at the above said maujas and a work order was given to the petitioner by the DM, Chapra by memo no. 1281 dated 29.07.2021.

3. The petitioner was allotted three clusters and the detailed is incorporated herein below:

Mauja:

- (i) Khawaspur
- (ii) Raipur (Bingama) and
- (iii) Chirand – in the district of Chapra

4. On perusal of the same, it would show that it was after a limited period of two months (02.08.2021 to 30.09.2021) and upon the request so filed to further extend the period, the respondents took lenient view and extend it for another three months in the case of Khawaspur and Chirand while upto 20.02.2022 in the case of Raipur.

5. The petitioner even then failed to clear the sand as per his submission and after waiting for one and half year in the



month of July, 2023, this writ petition was filed for further extension of two months for the disposal of the remaining sand.

6. Learned counsel for the respondent submits that he was granted four months time between 02.08.2021 to 30.09.2021 but failed to do so and upon representation, it was further extended to December, 2021 in two clusters and February, 2022 in the three Clusters. He thereafter, has made a representation that further extension be granted to him. The representation was submitted in the month of July (09.07.2022) after making payment of the remaining 50 per cent of the claims.

7. Learned Assistant Counsel to Spl. Mines P.P. has taken this Court to the letter no. 2745 dated 25.05.2023 issued by the department to the supplementary affidavit to show that once again the respondent took lenient view and granted one month time and it was made clear in Column -8 that this is the last extension given to the petitioner.

8. From the aforesaid facts, it is clear that twice the respondent took lenient view and allowed the petitioner to lift the sand making it clear that he will not be entitled to take any further extension and this is the last one.

9. At this stage, learned counsel for the petitioner



submits that he may be permitted to approach the respondent again for extension of time.

10. The facts have already incorporated above and if the petitioner so wishes, he can approach the respondents. This Court would not make any further comment on the merits of the case.

11. Granting liberty to the petitioner to approach the respondents, the writ petition is disposed of.

(Rajiv Roy, J)

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