

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11182 of 2023

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Khaleel Ansari Son of Alee Ansari, resident of village- Dinara, Post - Dinara,
Police Station - Dinara, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Mines Department Govt. of Bihar, Old Secretariat, Patna - 1.
2. The District Magistrate, Bhojpur.
3. The Superintendent of Police, Bhojpur.
4. The Deputy Superintendent of Police, Bhojpur.
5. The Officer In Charge, Sandesh Police Station, Bhojpur.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 11520 of 2023

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Raju Kumar Son of Sri Kamakhya Singh, Resident of village-Bardiha,
Jamuaon Dihari, Police Station - Sandesh, District -- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Additional Chief Secretary, Govt. of Bihar, Mines Department, Old Secretariat, Patna-1.
2. The District Magistrate, Bhojpur.
3. The Superintendent of Police, Bhojpur.
4. The Deputy Superintendent of Police, Bhojpur.
5. The Officer In Charge, Sandesh Police Station, Bhojpur.

.. ... Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 11182 of 2023)

For the Petitioner/s	:	Mr. Anil Kumar, Adv
For the Respondent/s	:	Mr. Gyan Prakash Ojha (GA-7)
For the Mines	:	Mr. Naresh Dikshit, Adv, Mr. Utsav Anand, Adv

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-08-2024 Heard Mr. Anil Kumar, learned counsel for the

petitioner prays for and is allowed to implead the concerned

respondent/official of Saran District as respondent No. 6 on

wards in course of the day.

2. The present writ petition has been preferred for the
following relief(s):



(i) *for issuance of an appropriate writ commanding the respondents for releasing the truck of 12 Chakka no. BR3G3628, and Chassis no. MAT426031A1E13010 which is related with the petitioner who is the owner of the said truck in Isuapur P.S. Case No. 41 of 2023 dated 18.02.2023 under Sections 188, 379 IPC and 21MMDR Act 1957, Section 56 of Bihar Illegal Mining Transporting & Storage Rule, 2019 and 2021 and 15 Environment Protection Act 1986 against the petitioner and others in which no confiscation case has been initiated against the said truck till date;*

(ii) *for any other reliefs for which the petitioner is entitled under law as well as on facts of this application.*

3. Mr. Utsav Anand, learned AC to Special P.P. Mines, at the outset submits that the petitioner should have availed the remedy of appeal under section 67 of the Bihar Minerals (consession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 (henceforth for short the rules).

4. Rules 67 of the 2019 Rules read as follows:

Rule-67 “(1) *All final orders passed by*



Mining Officer shall be appealable to the Collector within sixty days from the date of the order.

(2) All final orders passed by the Collector shall be appealable to the Mines Commissioner within sixty days from the date of the order.

(3) All appeals shall be disposed of within three months from the date of the filing. All appeals in the rule shall be in Form "L".

5. Learned counsel for the petitioner in that background submits that he will be taking the appellate route but due to pursuing the matter before this Court, there has been delay.

6. Considering the fair submissions put forward by learned counsel for the petitioner, the writ petition stands disposed of with an observation that if the petitioner approaches the appellate authority in next four weeks, the limitation petition shall be taken up and disposed of taking into account the fact that he was pursuing the remedy before Patna High Court.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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