

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15021 of 2023

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Satyadeo Yadav @ Satyadeo Hajra Son of Late Bathu Yadav, Resident of
Village- Belhi, P.O. and P.S.- Jay Nagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Government of Bihar,
Department of Mines and Geology, Patna.
2. The Additional Secretary, Government of Bihar, Department of Mines and
Geology, Patna.
3. The Collector/District Magistrate cum District Mining Officer, Madhubani.
4. The Assistant Mining Officer, Madhubani.
5. The Director, Mines and Geology Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2024 Heard Mr. Mrityunjay Kumar, learned counsel for the

petitioner and Mr. Naresh Dixit, learned Spl.P.P for the Mines.

2. The present writ petition has been preferred for the

grant of following relief/s:-

*“(I) For that the concerned
respondents may be directed to give
permission to cultivate the own land of
petitioner.*

*(II) For that the concerned
respondents may be directed to take consent
from petitioner prior to participate in the bid
of Settlement of Balu Ghat since the
petitioner is raiyat of the land.*



III) For that the concerned respondents may be directed to give compensation of Balu Ghat land prior to bid of Settlement of Balu Ghat raiyati land of petitioner.

IV) For that the concerned respondent may be directed to give permission to the petitioner to remove simple sandy soil from his raiyati agriculturable land.

V) For that the concerned respondent may be directed to create separate unit for the raiyati ghat to the Kamla river.

VI) For that any other relief/reliefs may also be provided to the petitioner if he deserves the same.”

3. Learned counsel for the petitioner submits that being the resident of Madhubani, every year flood comes with sandy soil covering the entire agriculture land. It thus becomes necessary for the farmers to remove the sandy soil as they/family members solely depend upon the agriculture for their livelihood.

4. Earlier, the petitioner has moved this Court in CWJC No. 986 of 2010 which was disposed of on 28.03.2011 and the short order read as follows:

“Heard learned counsel for the petitioner and for the State.



The petitioner is aggrieved by settlement for lifting of sands from his lands, allegedly without his consent. It appears from his own representation dated 25.3.2009 that he is primarily aggrieved because he desires to be considered for settlement himself also. Naturally, it is open for him to bid along with others when the State Government shall make the settlement in its best financial interest.

Learned counsel for the petitioner next submits that in any event of the matter, if the settlement is made with third persons, he is entitled to due compensation under Rule 50 to be done in the manner prescribed in Rule 51 of Bihar Mines Minerals Concession Rules. These issues are academic and premature at this stage. If the settlement is made for the lands of the petitioner with third persons, naturally the Licensing Authority is required to act in accordance with the statutory requirements of Rule 50



and 51.

*The writ application stands disposed
with the aforesaid observation.”*

5. He submits that in the light of the said order, though the respondents made payment for some years, it has been stopped.

6. Learned counsel submits that a counter-affidavit has been filed on behalf of respondent nos. 3 and 4 and have annexed the memo no. 1515 dated 30.03.2022 as also letter no. 106 dated 16.01.2024, both issued under the signature of the Director, Mines and Geology Department, Bihar, Patna which clearly shows that all the Collectors/Collector, Madhubani were directed to look into the matter and do the needful to support the farmers.

7. Having gone through the facts as also the documents of the Department, this Court directs the petitioner to file representation before the Collector, Madhubani (respondent no. 3) alongwith the supportive documents issued by the Director, Mines, Bihar, Patna, as recorded above, within four weeks from today.

8. If such representation is filed, the Collector, Madhubani is duty bound to look into the matter and pass



necessary order in next eight weeks from the date, the representation is filed.

9. It is further made clear that in case, he is entitled to relief, as claimed, the same should be undertaken in next four weeks.

(Rajiv Roy, J)

Adnan/-

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