

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9149 of 2024

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1. Raushan Kumar S/o Late Anil Prasad, resident of Village- Dev Gaon Police Station Khijersarai, District- Gaya
 2. Akshay Kumar, S/o Raghav Sharan Mehta, resident of Village- Dev Gaon Police Station Khijersarai, District- Gaya.
 3. Pintu Kumar, S/o Krishna Deo Prasad, resident of Village- Dev Gaon Police Station Khijersarai, District- Gaya.
 4. Shyam Deo Prasad @ Chandramani Prasad , S/o Late Shiv Brat Prasad, resident of village- Lodipur, Police Station- Khijersarai, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Mines Government of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Deputy Development Commissioner, Gaya.
5. The District Mines Officer, Gaya.
6. The Programme Officer, Mahatma Gandhi National Rural Employment Guarantee Act, 2005, Khijersarai, Gaya.
7. M/s Siya Ram Construction, through its partner namely Amit Kumar, Mohalla- Lakhi Bagh, Police Station-Manpur, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
For the State	:	Mr. P.K.Shahi, Advocate General
For the Mining Dept.	:	Mr. Naresh Dikshit, Advocate
		Ms. Kalpana, Advocate
For the Respondent No.7:		Mr. Satyabir Bharti, Sr. Advocate
		Ms. Kanupriya, Advocate
		Mr. Abhishek Anand, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 07-03-2025

This petition in public interest has been filed for

preventing the authorities from felling approximately



18,000 trees which had been planted over the geo-coordinates of the sand ghats falling in “environment clearance” area in the district of Gaya.

2. The respondent No.7 had been given the licence to excavate sand, which was necessary for controlling the flow of river. However, the site position made it difficult for the contractor to commence with this work because by the time the license was granted, 18,000 trees which had earlier been planted had fully grown and without the felling those trees, perhaps no work could have commenced for excavating the sand.

3. From the petition, it appears that initially the Mines Department which had given the licence had questioned the District Administration about planting of such trees without the permission of the Mining Department, notwithstanding the fact that such plantation was made in the environment clearance area necessarily requiring the permission of the Mines Department.

4. It further appears from the writ petition as



also from various orders of this Court that the District Magistrate had agreed for removing the blockage because of the trees for the sand to be excavated.

5. However petitioners, the public spirited citizens, came before this Court and obtained a stay order.

6. Today, Ms. Kanupriya, the Advocate for the respondent No.7 submits that looking at the size of the trees and the advantages of trees near the bank of river, the respondent No.7 does not insist for clearance of the area for operating under the lease/licence for excavating sand.

7. All that respondent No.7 would now be interested in, is the permission to surrender the lease and have the amount refunded. Necessary application in that regard has been filed before the Mines Department which, as the learned Advocate for the Mines Department has stated before this Court, shall be considered and necessary orders would be passed in accordance with law.



8. Since no excavation process ever began, it is expected that Mines Department shall not put respondent No.7 to any disadvantage by withholding any amount which ought to be refunded as per the law, to respondent No.7.

9. There would be no requirement of felling those trees under any circumstance whatsoever.

10. The writ petition stands disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Saurabh/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
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