

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.229 of 2019

In
Civil Writ Jurisdiction Case No.4922 of 2016

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1. The State of Bihar .
 2. The District Magistrate, Sheikhpura.
 3. The District Mining Officer, Sheikhpura.
 4. The Circle Officer, Sheikhpura Anchal, District- Sheikhpura.

... .. Petitioner/s

Versus

Jai Prakash Gupta son of Late Ramdeo Sah Resident of Village- Kare, Post Office, Police Station and Block- Sheikhpura at present residing in the House of MahadeoRam Near AsthaHomeo Hall, Mithapur Bus Stand Road, Police Station- Jakkanpur, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Dikshit (Spl. P.P. Mines)
		Mr. Utsav Anand, Advocate
		Mr. Brij Bihari Tiwary, Advocate
For the State	:	Mr. Abhay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 01-05-2025 Heard Mr. Naresh Dikshit, learned Spl. P.P. for the

Mines Department and Mr. Abhay Kumar Singh, learned APP

for the State.

2. The present review petition is filed to review the order dated 04.04.2019 passed in C.W.J.C. No. 4922 of 2016 by Hon'ble Mr. Justice Sanjay Priya and his lordship was pleased to writ petition was disposed of with a direction to the petitioner to file revision application before the Mines Commissioner in terms of provisions as contained in Rule-45 of the Bihar Minor Mineral Concession



Rules, 1972 within a period of one month from date of this order which shall be considered and disposed of by Mines Commissioner within a period of three months from the date of filing of the revision petition. The delay, if any, in filing the revision application, shall be condoned by the Commissioner because the petitioner was seeking remedy in this Court.

3. The writ Court vide an order dated 04.04.2019 accepting the averments of the learned Spl.P.P. Mines, passed following orders:-

Learned counsel for the Mines has submitted that there is provision of Revision as contained in Rule 45 of Bihar Minor Mineral Concession Rules, 1972. Petitioner can raise all these points before the Mines Commissioner by filing revision application.

This Court, after hearing the submissions of the parties, finds that alternative remedy is available to the petitioner. Petitioner can raise all these points before the Mines Commissioner by filing Revision application.

This writ petition is accordingly disposed of with direction to the petitioner to file revision application before the Mines Commissioner in terms of the provisions as contained in Rule 45 of the Bihar Minor Mineral Concession Rules, 1972 within a period of one month from date of this order which shall be considered and disposed of by Mines Commissioner



within a period of three months from the date of filing of the revision petition. The delay, if any, in filing the revision application, shall be condoned by the Commissioner because the petitioner was seeking remedy in this Court.

It is made clear that this Court has not expressed any opinion on the merit of the order passed by the Collector.

In the instant writ petition an Interlocutory application being I.A. No. 2670 of 2017 has been filed but copy of the said application has not been served either to the counsel for the petitioner or the State.

In view of such, no order is required to be passed on the aforesaid Interlocutory petition.

4. A perusal of the order dated 01.05.2025 would show that the Court simply directed the Mines Commissioner to pass an appropriate order in three months and no further direction was there. In fact, the writ Court recorded that this Court has not expressed any opinion on the merit of the order of the Collector.

5. A review petition has been filed and the plea of learned Spl.P.P. Mines is that the Mines Commissioner has no such power to decide the Title. This Court is afraid. The writ Court on the submission of the learned Spl.P.P. Mines disposed of the matter allowing the Mines Commissioner to decide the revision. It could have been taken the matter to its logical



conclusion by passing an order and the Court has not decided the matter in a particular manner for which the revision has been filed.

6. In that background, though this Court wanted to impose some cost, on the request of learned Spl.P.P., Mines, it refrains from doing so cautioning the Department not to unnecessary burden the Court with such petition at the cost of State exchequer.

7. This petition stands disposed of.

(Rajiv Roy, J)

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