

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14000 of 2024

=====

Durgesh Mishra S/o late Purshottam Mishra, R/o Village- Kharhara, P.S.-
Barahat, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines Department, Govt. of Bihar, Patna.
2. Principal Secretary, Mines Department, Govt. of Bihar, Patna.
3. Mines Commissioner, Bihar, Patna.
4. Director of Mines, Bihar, Patna.
5. District Magistrate, Banka.
6. Superintendent of Police, Banka.
7. Officer-in-charge, Rajaun, Banka.
8. Officer-in-charge, Amarpur, Banka.
9. Bambam Mishra, S/o not known, R/o Village- Fullidumar, Ithari, P.S.- Fullidumar, District- Banka.
10. Prashant Kapri, S/o Om Prakash Kapri R/o Village- Madachak, P.S.- Amarpur, District- Banka.
11. Amit Kumar Kushwaha, S/o not known R/o Village- Madachak, P.S.- Amarpur, District- Banka.
12. Rajesh Kumar, S/o not known, R/o Village- Harchandi, District- Banka.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Baidya Nath Thakur, Advocate
For the State Respondent:	:	Mr.S.D.Yadav,Additional Advocate General 9
	:	Mr. Braj Bhushan Mishra, A.C.to AAG-9
For Mines Department	:	Mr.Naresh Dixit, Spl. P.P.
	:	Mr. Braj Bihari Tiwary, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-01-2025 Heard Mr. Baidya Nath Thakur, learned counsel for

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

Department and learned counsel for the State.

2. The present writ application has been filed for the
following reliefs:



(I) For direction to the Principal Secretary, Mines Department, Govt, of Bihar, Patna to ensure that no illegal mining operations are carried by the respondents 10 to 12 in league with the respondent Nos. 5 to 8 in the villages Bhadariya under Amarpur Police Station and Singhnan and Birma under Rajaun Police Station of Banka district.

(II) For direction to the Principal Secretary, Mines Department, Govt, of Bihar, Patna to take suitable legal action on the respondent Nos.5 to 8 for their sheer deliberate lapses in fulfilling the spirit of the 1957 Act and the 2017 Rules made thereunder as enumerated hereinbelow.

(III) Further any other order(s) may be passed, direction(s) given and relief (s) allowed which the petitioner is entitled to in the facts and circumstances of the case.

3. A counter affidavit has been filed on behalf of respondent No.5 (Mines Department). Learned counsel for the Mines Department outrightly submits that when the Mines Department has come to know about the illegal mining then the instruction of the District Magistrate, an FIR has been instituted bearing Amarpur P.S.Case No.492 of 2022 against the private respondents under Sections 379,147 and 149 of the IPC as well as relevant provisions of the MMRDA Act and Bihar Minerals



(Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.

4. Learned counsel for the Mines Department has also annexed a Chart which suggests that from the year 2022 till 20.11.2024 the Mines Department has filed number of cases against illegal mining and it appears from Amarpur P.S.Case No.492 of 2022, the private respondent also made an accused in Amarpur P.S. Case No.492 of 2022.

5. In view of the contention of learned counsel for the Mines Department, this writ application stands disposed of.

(Rajesh Kumar Verma, J)

Nitesh/-

U			
---	--	--	--

