(2020) 09 PAT CK 0294

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 8993 Of 2009

Raushan Kumar	APPELLANT
Vs	
State Of Bihar And Ors	RESPONDENT

Date of Decision: Sept. 23, 2020

Acts Referred:

- Constitution Of India, 1950 - Article 21, 31A, 300A

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Naresh Dikshit

Final Decision: Disposed Of

Judgement

Petitioner has prayed for the following relief(s):

Ã¢â‚¬Å“I. To declare the Bihar Mines Mineral Concession (Amendment) Rules, 2008 contained in S.O. No.641 dated 23.3.2008 as ultravires the provision

of patent Act, i.e. Mines Minerals (Development and Regulation) Act 1957 and also violative of petitioners right enshrined under Article 21, 31 A,

300A of the constitution of India.

II. To declare the abovesaid Amendment Act, 2008 as ultravires on the ground that the State government does not have the competence to introduce

a new policy (by which extra royalty other/more than the auction amount has to be paid by the lesee) as it is essentially a legislative function.

III. To declare Rule 3 of the abovesaid Amendment Rules, 2008 by which Rule 22A (Providing renewal right to the lesee) has been repealed/deleted.

IV. To declare Rule 45 and 6 of the abovesaid Amendment Rule, 2008 by which the security deposit has been increased from 2 per cent to 10 per

cent of bid amount and it has been provided that the lesee will have to pay extra royalty for mineral extracted beyond the auction amount and that too

with retrospective effect.

V. For a direction to quash the order contained in letter no.462 dated 13.03.07 by which the petitioner has been directed to pay Rs.8,56250/- as extra

Royalty, i.e. the Royalty more than the auction amount, though the petitioner has already paid the installment of the auction amount in time.Ã¢â‚¬‹

On 2nd of September, 2020, we had passed the following order:

Ã¢â‚¬Å“Learned counsel jointly request for an adjournment.

Learned counsel appearing for the parties undertake to furnish list of other analogous matters to the Court Master for listing before this Court.

This must be positively done by next two working days.

List on 10.09.2020.Ã¢â‚¬‹

Yesterday, when the matter was called out, none appeared on behalf of the petitioner to press this petition.

Today, despite repeated calls, none appeared for the petitioner.

We are informed by the Court Master that not only the link stands sent but also the learned counsel for the petitioner stands telephonically informed of

the order passed yesterday.

Shri Naresh Dixit, learned Special Public Prosecutor, Mines states that with the passage of time the present petition has become infructuous.

Learned counsel further states that the very same learned counsel had appeared in two other connected matters, namely, CWJC No. 11526 of 2008,

titled as Vijay Kumar Singh Vs. The State of Bihar & Ors. and C.W.J.C. No. 15416 of 2008, titled as Dilip Kumar Singh Vs. The State of Bihar &

Ors. and made a statement of settlement of the issue with the Department of Mines. Consequently, these petitions were disposed of.

As such, we dispose of the present petition, reserving liberty to the petitioner to take recourse to such remedies as are otherwise available in law or

file a fresh petition in accordance with law on the same or subsequent course of action, if the need so arises.