

(2019) 07 PAT CK 0192

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 19658 Of 2018

Abhishek Kumar Singh

APPELLANT

Vs

State Of Bihar Through The Principal Secretary And Ors

RESPONDENT

Date of Decision : 10-07-2019

Acts Referred:

Citation : (2019) 07 PAT CK 0192

Hon'ble Judges : Sanjay Priya, J

Bench : Single Bench

Advocate : Naresh Chandra Verma, Ram Kumar Singh, Gyan Prakash Ojha, Naresh Dikshit

Final Decision : Dismissed

Judgement

Counsel for the Mines Department has filed Supplementary Counter Affidavit in compliance of the order dated 24.04.2019 stating that Balughat, in question, has not been settled in favour of any other person. It has also been stated in the aforesaid Counter Affidavit that on similar issue of allotment by e-auction and consequent action of its cancellation vide Memo No.3649 dated 12.09.2018, CWJC No.20099 of 2018 was preferred and the same was finally heard and disposed off by order dated 10.04.2019 whereby this Court did not find any illegality in the impugned order dated 12.09.2018 issued by the Under Secretary, Department of Mines and Geology, Govt. of Bihar, Patna. (Annexure- E to the supplementary Counter Affidavit.).

Counsel for the petitioner submits that during pendency of this application by order dated 20.09.2018 as contained in Annexure- P/5 to supplementary affidavit, letter has been issued and communicated on e mail ID by which settlement of Balughat made in Bhagalpur district in favour of the petitioner has been cancelled.

Petitioner has challenged the advertisement dated 20.09.2018 issued vide Memo No.3766 M Patna, by which fresh tender has been invited by eligible applicants

for settlement of sand ghats in different district of Bihar, particularly, in Bhagalpur district.

Counsel for the petitioner has submitted that earlier settlement of Bathani Balughat through reverse auction has been cancelled in Bhagalpur vide Memo No.3766 dated 20.09.2018. Similar matter has already been decided by this Court in CWJC No.20099 of 2018 along with CWJC No.19967 of 2018. This Court, by judgment dated 10.04.2019 passed in aforesaid writ applications, has dismissed the applications.

In view of the earlier order passed by this Court in CWJC No.20099 of 2018 with CWJC No.19967 of 2018, this Court is not inclined to interfere with the impugned order dated 20.09.2018 issued vide Memo No.3766/M by which settlement of Balughat made in Bhagalpur district in favour of the petitioner with reverse auction has already been cancelled.

This writ application is, accordingly, dismissed.

The petitioner is, however, at liberty to file representation before the respondent No.2 for appropriate direction if Balughat has not been settled to anybody till date. In the event such representation is filed before the respondent No.2, he will pass necessary order(s) in accordance with law within a period of two months from the date of filing of such representation.