

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P.(C) No. 2166 of 2021**

1. Chete Hansda  
2. Duli Tudu ..... ... Petitioners

-Versus-

1. The State of Jharkhand through Secretary, Department of Mines and Geology  
2. Commissioner, Santhal Pargana Division, Dumka  
3. District Mining Officer, Dumka  
4. Member Secretary, State Level Environment Impact Assessment Authority, Ranchi  
5. Chand Tudu  
6. M/s Mewar Enterprises through its proprietor namely Om Prakash Sharma  
7. The Deputy Commissioner, Dumka

.... .... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioners : Mr. Indrajit Sinha, Advocate

For the State : Mr. Mohan Dubey, A.C. to A.G.

**Order No. 04**

**Dated: 06.09.2021**

The present case is taken up today through video conferencing.

**2.** At the request of the learned counsel for the petitioners, "the Deputy Commissioner, Dumka" is permitted to be impleaded as respondent no. 7 in the present writ petition.

**3.** Considering the present pandemic situation, office is directed to make necessary insertion, as stated above, in the cause title of the writ petition.

**4.** The present writ petition has been filed for restraining the respondent authorities from granting mining lease in favour of M/s. Mewar Enterprises (the respondent no. 6) over the land appertaining to jamabandi plot no. 1242, Jamabandi no. 30/18, Mouza- Pokharia, Circle- Shikaripara, District- Dumka (hereinafter to be referred as "the said land") which is jointly owned and possessed by the petitioners as well as the respondent no. 5.

**5.** Mr. Indrajit Sinha, learned counsel for the petitioners, submits that the said land was originally settled in favour of Shyam Tudu as would be evident from the record of *Gantzer* Settlement. Shyam Tudu (since deceased) was survived by Ramjit Tudu and Baja Tudu who had equal share in the said land. After the death of Ramjit Tudu and Baja Tudu, the said land was duly inherited by Chete Hansda (the petitioner no.1)- wife of Ramjit Tudu and Duli Tudu (the petitioner no. 2)- daughter of Ramjit Tudu as well as Chand Tudu (the respondent no. 5)- son of Baja Tudu. It is further submitted that Om Prakash Sharma-the proprietor of M/s Mewar Enterprises (the respondent no. 6) in collusion with the respondent no. 5, applied for the grant of mining lease for stone quarry over the said land in the year 2020 without permission/consent of the petitioners being the co-sharers. On

receipt of application of the respondent no. 6, the Circle Officer, Shikaripara prepared a map in relation to plot no. 1242 and adjoining plots situated at Mouza- Pokhariya, Shikaripara. Thereafter, the District Mining Officer, Dumka (the respondent no. 3), vide memo no. 302 dated 25.02.2020, issued certificate to the respondent no. 6 to the effect that it had applied for grant of mining lease for stone quarry over the said land. The respondent no. 3 also mentioned in the said letter that the certificate issued to the respondent no. 6 would be considered as valid document only for obtaining certificate from District Level Environment Impact Assessment Authority, Dumka. As soon as the petitioners came to know about the said application of the respondent no.6, they represented the respondent no. 7 for restraining the respondent no. 6 from taking possession over the said land. It was also stated in the said representation that the grant of mining lease is also against the environmental norms as mining lease has already been approved for over 25 acres of land situated within the radius of 150 to 200 meters. Despite representing various authorities including the respondent no. 7, no action has been taken so far on the said issue, which has compelled the petitioners to prefer the present writ petition.

**6.** Mr. Mohan Dubey, learned A.C. to A.G. appearing on behalf of the respondent nos. 1 to 3 and 7, submits that if the petitioners prefer a fresh representation on the present issue before the respondent no. 7, an appropriate decision will be taken within a time frame.

**7.** Considering the said submission of the learned counsel for the respondent nos. 1 to 3 and 7, this Court is of the view that there is no need of issuance of notices to the respondent no. 4 as well as the private respondents (respondent nos. 5 and 6).

**8.** Hence, without going into the merit of the case, the petitioners are given liberty to prefer a fresh representation before the respondent no. 7 on the present issue. On receipt of the said representation, the respondent no. 7, after providing due opportunity of hearing to the petitioners/their representatives as well as the respondent nos. 5 and 6, shall take an appropriate informed decision within a period of four weeks from the date of filing of the said representation.

**9.** The writ petition is accordingly disposed of with aforesaid liberty and direction.

**(Rajesh Shankar, J.)**