

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 2103 of 2018

Prit Pal Singh

..... Petitioner

Versus

The State of Jharkhand & Others

..... Respondents

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner:

None

For the State:

None

05/22.04.2021 The case is taken up through Video Conferencing.

It has been informed to this Court that in view of the resolution as contained in Reference No. 1165-1201/2021 dated 18.04.2021 passed by the Jharkhand State Bar Council, the learned lawyers of this Court, District Courts, Sub-Divisional Courts, Tribunal and all other Courts in the State of Jharkhand will refrain themselves from all Court works for next seven days in the wake of second wave of Covid-19 pandemic.

No one appears on behalf of the parties.

I.A. No. 899/2021

The present interlocutory application has been filed on behalf of the petitioner seeking amendment in the relief portion of the present writ petition in view of issuance of letter No. 13 dated 06.01.2021 under the signature of the District Mining Officer, Dhanbad (Annexure-6 to the present interlocutory application), during the pendency of the present writ petition, whereby dead rent, surface rent, royalty and interest (up to 31.12.2020) have been calculated on the basis of the particulars of the monthly return of the petitioner despite the fact that the issue relating to payment of dead rent for the period during which the petitioner did not have the physical possession over the leased land in question for want of sanction order for carrying out mining activities on renewal application, which got time barred for want of environmental clearance certificate, as well as the fact that the said issue remained subjudice before the revisional authority for more than two years and the petitioner is entitled for exemption from the dead rent for the said period. It has been stated that during

the pendency of the present writ petition, letter No. 13 dated 06.01.2021 has been issued by the District Mining Officer, Dhanbad calling upon the petitioner to make payment of Rs.2,31,024/- under the head of dead rent, surface rent, royalty and interest up to 31.12.2020 in relation to the leased area in question. According to the petitioner, though the issue of payment of dead rent is subjudice before this Court in the present writ petition, the District Mining Officer, Dhanbad has arbitrarily issued letter No. 13 dated 06.01.2021.

Having gone through the contents of the present interlocutory application and keeping in view that issuance of letter No. 13 dated 06.01.2021 is a subsequent development during the pendency of the present writ petition, the petitioner is allowed to make the proposed amendment in the present writ petition, as detailed in paragraph 9 of the present interlocutory application.

Learned counsel for the petitioner is permitted to make necessary amendment in the relevant part of the present writ petition within two weeks as well as to implead the District Mining Officer, Dhanbad as the respondent No.5 in the present writ petition.

The present interlocutory application stands disposed of.

W.P.(C) No. 2103 of 2018

Put up this case after summer vacation under appropriate heading.

In the meantime, learned counsel for the petitioner shall remove the remaining defect pointed out by the office.

Satish/-

(RAJESH SHANKAR, J)