

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
C.M.P. No. 434 of 2014

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M/s Tata Steel Ltd. an existing Company incorporated under the Companies Act through Mrs. Meena Lall wife of Shri Behari Lall, working as Chief Legal Services having registered office at 24, Homi Mody Street, PO Fort, PS Fort, Town & District Mumbai, Maharashtra and having its Steel Plant and Office at Jamshedpur, PO & PS Bistupur, Town Jamshedpur,  
District East Singhbhum ... .. Petitioner

-V e r s u s-

1. The State of Jharkhand through its Secretary,  
Department of Mines & Geology, Nepal House,  
P.O.&P.S.-Doranda, Ranchi
2. The District Mining Officer, West Singhbhum at Chaibasa,  
P.O. & P.S.-Chaibasa, District-West Singhbhum
3. Election Commission of India through Chief Electoral  
Officer-cum-Principal Secretary,  
Cabinet(Election) Department, office at Sector-II,  
P.O. & P.S.-Dhurwa Town, District Ranchi ... .. Respondents

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**CORAM: - HON'BLE MR. JUSTICE APARESH KUMAR SINGH**

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For the Petitioner: M/s Abhishek Manu Singhvi & Gopal Jain, Sr. Advocates,  
Indrajit Sinha, Amit Bhandari, Devina Sehgal,  
Khushboo Bari, Ganesh Pathak Advocates

For the State: M/s Rajesh Shankar, GA, Prem Pujari Roy & Abhay Prakash,  
JC to GA

For the ECI: M/s Ashok Kr. Singh, Arvind Kr. Choudhary, Advocate

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03/ 23.12.2014 Heard counsel for the parties.

2. The petitioner herein, seeks clarification and / or modification of the judgment and order dated 11.12.2014 passed in WPC No. 5225/2014 to the extent that the petitioner would be entitled to resume mining operations on and from 19.12.2014. Therefore, a prayer has been made that a consequential direction be issued to allow the petitioner to resume mining operations in order to give effect to the judgement and order dated 11.12.2014.

3. Learned Senior Counsel for the petitioner Mr. Singhvi submits that this Court while deciding the writ petition, upheld the entitlement of the petitioner for issuance of an Express Order under section 8(3) of the M.M.D.R. Act by directing the State Government to issue the same within one week i.e. on or before 18.12.2014. Respondents however have chosen not to issue the Express Orders without any justification. However, the petitioner being a law abiding citizen / company, has not indulged in *suo-motu* resumption of mining operations. It is

submitted that in order to give effect to the right decided by this Court in respect of the petitioner, this Court in its extra ordinary jurisdiction, is well within its jurisdiction to issue such a consequential orders. It is further submitted that the State Government does not have any good reason to withhold issuance of Express Orders which are only a consequential order to be issued pursuant to a decision already taken and conveyed through letter dated 20.10.2014. The decision itself is in larger public interest and also benefits the State Exchequer. The petitioner on its own, have been suffering each day because of stoppage of mining operations, though it is in operation in the State of Jharkhand since more than 100 years by now. Therefore, a prayer has been made that the petitioner may be allowed to resume the mining operations in the interest of justice and also larger public interest. It is also submitted that in the case of **Steel Authority of India Limited Versus The State of Jharkhand through its Chief Secretary, Ranchi & Others** in **WPC No. 5368/2014**, the learned Single Judge of this Court by judgment dated 13.11.2014 in similar circumstances, have been pleased to issue directions upon the respondent State to issue Express Orders under section 8(3) of the M.M.D.R. Act, 1957 within a period of one week and also coupled it with consequential orders that if for any reason, an Express Order is not issued, the petitioner Company is permitted to commence its mining operations in respect of the mines in question. It is further submitted that the prayer for stay made by the State Government before the Letters Patent Court against the said judgment dated 13.11.2014, has already been refused by order dated 11.12.2014 passed in L.P.A. No. 487/2014. Therefore, in order to accord parity in treatment, such orders may also be passed in the present case.

4. Learned counsel for the respondent State has appeared and filed their counter affidavit as well. In sum and substance, submission of the counsel for the respondent State is that the judgment dated 11.12.2014 passed in the petitioner's case has been assailed in Letters Patent Appeal No. 547/2014 before the learned

Division Bench of this Court. It is submitted that the respondents are well within their rights to prefer an appeal before the Appellate Court which has been done with due diligence by 17.12.2014 itself. It is submitted that the matter would be listed on any day subject to the convenience of the Court as defects have already been removed. It is further submitted that the judgment in question has become final and such a clarification and / or modification cannot be allowed in civil miscellaneous petition, as has been sought for by the petitioner. Therefore, the instant petition should be dismissed.

5. I have learned counsel for the parties at some length and gone through the relevant materials on record. The operative portion of the judgment dated 11.12.2014 is quoted here-under:

“20. Therefore, the respondent State is directed to issue Express Orders under section 8(3) of the M.M.D.R. Act in terms of the decision of the State Government dated 20.10.2014 within a period of one week from today. On issuance of Express Orders under section 8(3) of the M.M.D.R. Act by the State Government, on or before 18.12.2014, the petitioner would be entitled to start its mining operations, otherwise, as it appears, the continued stoppage of mining operations thereafter would have serious adverse consequence not only upon the petitioner but also on the interest of the State. Upon issuance of the Express Orders by the State Government, impugned notice dated 04.09.2014 shall cease to have any effect.

Writ petition is accordingly allowed in the manner and to the extent indicated herein-above.”

6. This Court after hearing the counsel for the parties and upon consideration of all relevant issues involved therein and the pleadings on record in the writ petition, had consciously issued the direction, indicated herein-above. This Court while passing the said judgment and order, issued directions in the language which are couched therein. The present civil miscellaneous petition in effect, seeks issuance of further directions or consequential orders beyond the judgment and order dated 11.12.2014 passed in the said writ petition, which I am afraid, is not within the scope of civil miscellaneous petition. In a C.M.P. Petition, modification or correction of inadvertent errors or typographical errors in the original judgment is permissible. The direction passed therein are final in nature,

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so far as this Court is concerned. Whether respondents are in breach of direction passed in the said case, is a matter which is to be looked into in an appropriate proceeding upon being brought to the notice of the Court.

7. Therefore, having considered the rival submissions of the parties, this Court is not inclined to entertain this civil miscellaneous petition seeking clarification and / or modification of the judgment and order dated 11.12.2014 to the extent and the manner sought for. Accordingly, this CMP is dismissed.

(Aparesh Kumar Singh, J)

Ranjeet/