

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1936 of 2025

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Bimal Kumar son of Shyam Sundar Yadav, resident of Kurji More, Sadaquat Ashram, P.S. Digha, District Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-Cum- Principal Secretary, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna 800001.
2. The Principal Secretary cum Mines Commissioner, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna-800001.
3. The Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The District Magistrate-cum-Collector, Patna
5. The Mineral Development Officer, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate
For the State	:	Mr. K.N. Jha, AC to GP-11
For the Mines	:	Mr. Naresh Dikshit, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 04-03-2025

Heard Mr. Suraj Samdarshi, learned counsel for the petitioner, Mr. K.N. Jha, learned AC to GP-11 for the State as well as Mr. Naresh Dikshit, learned counsel appearing on behalf of the Mines Department.

2. The present writ petition has been filed for the following reliefs;

- (i) For issuance of a writ, order or direction in the nature of *mandamus* commanding the Respondents to refund the security deposit of 72,90,000/- deposited by the petitioner for settlement of Patna 01-B Sand



ghat since the contract between the petitioner and the Department of Mines and Geology stands frustrated due to unforeseen events which have occurred after formation of the contract, rendering its performance impossible and fundamentally different from what the parties originally intended.

(ii) This Hon'ble Court may adjudicate and hold that the petitioner cannot be compelled to deposit the royalty amount and commence mining activity when the sand ghat has been submerged with the main stream of River Ganga that too for no fault on the part of the petitioner.

(iii) To award any other relief or reliefs for which the petitioner is found entitled in the facts and the circumstances of the case.

3. Learned counsel for the petitioner submits that the Mining Department had floated a tender for e-auction for settlement of sand ghats in the district of Patna for a period of five years in the month of December 2023. The petitioner participated in auction for Patna 01-B sand ghat and the reserve price of the said sand ghat was Rs. 1,08,00,000/- (Rupees one crore and eight lakh) and EMD of Rs. 27,00,000/- (Rupees twenty seven lakh). The auction of the aforesaid sand ghat was conducted on 28.12.2023 and the petitioner emerged as the highest bidder after quoting Rs. 2,91,60,000/- (Rupees two crore ninety-one lakh sixty thousand), thereafter, the petitioner was directed to deposit Rs. 45,90,000/- (Rupees forty five lakh



ninety thousand) after adjustment of EMD as the remainder of the security deposit. The petitioner deposited the same on 02.01.2024 and thereafter, the respondent no.4 has issued a work order in favour of the petitioner on 08.01.2024.

4. Learned counsel for the petitioner further submits that after obtaining the EC, CTE and other approvals, the Collector, Patna issued letter no. 3329 dated 19.11.2024 and petitioner was directed to appear on 23.11.2024. The petitioner visited the sand ghat in order to commence operation of the sand ghat and then he came to know that the main stream of river Ganga had completely submerged the area settled to the petitioner and was flowing across the same.

5. Learned counsel for the petitioner further submits that the petitioner has approached the respondent no.5 (The Mineral Development Officer, Patna) to consider the case of the petitioner in the subsequent development but no action has been taken by the authority concerned and the respondent no.4 had issued a letter to the petitioner for deposition of the first installment of the amount in question.

6. Learned counsel for the Mines Department fairly submits that in view of the aforesaid, the writ petition may be disposed of with the direction to the respondent no.5 (The



Mineral Development Officer, Patna) to dispose of the representation of the petitioner which is pending since November, 2024 in accordance with law.

7. Having heard the learned counsel for the parties and submissions made by the learned counsel for the petitioner as well as learned counsel for the respondents, the writ petition stands disposed of with a direction to the respondent no.5 (The Mineral Development Officer, Patna) to dispose of the representation dated 21.11.2024 of the petitioner after verifying the facts in accordance with law after hearing the petitioner in person and pass a necessary and speaking order in accordance with law within a period of six weeks from the date of receipt/production of a copy of this order.

8. With the aforesaid liberty/direction, the writ petition stands disposed of.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.03.2025
Transmission Date	NA

