

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2641 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 Mr. Avinash Shekhar, Advocate Mr. Vinay Shankar Tiwari, Advocate Ms. Simran Kumari, Advocate Mr. Ashilash Jha, Advocate
For the Respondent/s	:	Mr. Naresh Dixit, Special P.P.Mines

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 08-05-2025

Heard Mr. Suraj Samdarshi, the learned Advocate for the petitioner and Mr. Naresh Dixit, the learned Advocate for the Mines Department.

2. The petitioner has approached this Court against the order dated 11.12.2024 issued under the



signature of the Collector, Patna (respondent No.4) whereby the work order issued to him dated 08.01.2024 has been revoked/rescinded and the security deposit of the amount of Rs.92,81,500/- has been forfeited. By the same order, the petitioner has been debarred from participating in any tender for two years under Rule 28 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 read with Clause 19(3) of the tender document.

3. The only reason assigned, it has been argued, for such an order is that the petitioner did not commence the operation of the sand ghat.

4. Mr. Samdarshi has pointed out that all the formalities for proceeding with the work of mining of sand had been complied with but the work could not be started because the ghats were completely inundated with water. Without looking at this fact, it has been argued, the provisions contained in Rule 28 of the Rules of 2019, referred to above, has been invoked, even though the



Rule 28 forms part of Chapter IV which deals with procedure for grant of mining rights except sand.

5. For mining rights in sand, Chapter V of the Rules of 2019 is applicable.

6. Thus, it has been asserted that the respondent No.4 has passed the order impugned without application of mind and the order itself reflects that it is vindictive and for ulterior purposes.

7. Countering such argument, Mr. Dixit, the learned counsel appearing for the Mines Department has submitted that without addressing the contentions of the petitioner, he would only point out at the provision contained in Rule 67 of the Rules of 2019 which provides a forum to any person/lessee aggrieved by an order passed by the Collector.

8. Forum of appeal has been provided for before the Commissioner against the order of the Collector.

9. We are of the view that the petitioner should first approach the appellate authority i.e. the



Commissioner under the Rules of 2019. The appellate authority shall take into account the objections raised on behalf of the petitioner, including the non-applicability of the provisions contained in Rule 28 which deals with other mining rights and not mining rights in sand and that under the Rules of 2019, there is no power to the Collector to blacklist the petitioner.

10. The appeal shall be decided within a period of two months by a reasoned order, which shall be communicated to the petitioner forthwith. The time would be reckoned from the date of filing of the appeal before the Commissioner.

11. The writ petition stands disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Bibhash/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	9.5.2025
Transmission Date	NA

