

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14385 of 2018

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Sirajul Rehman Son of Md. Abdul Rashid, Resident of -Churi Patti Road,
Police Station-Kishanganj Town, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through Commissioner-cum-Principal Secretary,
Department of Mines, Government of Bihar, Patna
2. The Collector, Kishanganj.
3. The Mines Inspector-Cum-Competent Officer, Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rabindra Kumar Priyadarshi, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha- GA 7

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-07-2025

1. The writ petition is filed for the following reliefs:

“ for issuance of appropriate writ/writs order/orders directing the respondent authorities particularly Respondent No. 2 and 3 to refund the security deposit amount Rs. 18,00,000/- along with interest which was deposited by the petitioner being a second highest bidder in a tender of sand Mining in the District of Kishanganj.

The further prayer of the petitioner the quashing of letter No. 506 issued under the signature of Mines Inspector-cum-Competent Officer whereby



the representation filed by the petitioner was rejected and security deposit amount of Rs. 18,00,000/- has been forfeited.”

2. At this juncture, the Learned counsel for the respondents contended that Section 67(1) of the Bihar Minerals (concession, Prevention Of Illegal Mining, Transportation & Storage) Rules, 2019 provides for the provision of appeal. Section 67(1) read as follows:

67. Appeals.—

(1) All final orders passed by Mining Officer shall be appealable to the Collector within sixty days from the date of the order.

(2) All final orders passed by the Collector shall be appealable to the Mines Commissioner within sixty days from the date of the order.

(3) All appeals shall be disposed of within three months from the date of the filing. All appeals in the rule shall be in Form “L”.

3. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy of appeal available



under Section 67(1) of the Bihar Minerals (concession, Prevention Of Illegal Mining, Transportation & Storage) Rules, 2019.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the concerned Collector, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the concerned authority under the law to entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing an appeal, the writ petition is disposed of with a direction to the petitioner to file an appeal within four weeks from the date of receipt of this order before the authority concerned. The delay in filing the appeal shall be condoned by the authority concerned, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

6. With the above said observation, the Writ petition is disposed of.



7. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2025
Transmission Date	

