

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1174 of 2026

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Pintu Kumar S/o Sri Ganesh Yadav, Resident of Vill-Berar Tola, P.S.-Barah,
P.S.-Rani Talab, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Mines Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
3. The Director Mines, Department of Mines and Geology, Government of Bihar, Patna.
4. The Collector, Bhojpur.
5. The Assistant Director cum Mineral Development Officer, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Narayan Singh, Advocate
	:	Mr. Suraj Kumar Tiwary, Advocate
	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Government Pleader (19)
For the Mines Dept.	:	Mr. Naresh Dikshit, Spl. PP Mines
	:	Mr. Brij Bihari Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-04-2026 Heard Mr. Shambhu Narayan Singh, learned counsel

for the petitioner and Mr. Naresh Dikshit, learned Spl. PP Mines

as also learned State counsel.

2. The present petition has been preferred for the
grant of following relief(s):

*“(i) for issuance of an appropriate writ to
quash the order dated 21.02.2025 passed vide
Memo No. 605 (Annexure P-5) by The Collector,
Bhojpur whereby and whereunder The Collector,*



Bhojpur, Respondent No.4 rejected the representation dated 15.04.2024 (Annexure P-4) of the petitioner and forfeited the earnest money of Rs.96,52,500/- (Ninety-Six Lakh and Fifty-Two Thousand and Five Hundred) which was deposited by the petitioner as the earnest money in regard to BHOJ SON-04 for which the petitioner declared successfully bidder being the highest bidder.

(ii) for issuance of an appropriate writ that after quashing of order dated 21.02.2025 contained in memo no.605 further directed respondents to return the earnest money Rs.96,52,500/- (Ninety-Six Lakh and Fifty-Two Thousand and Five Hundred) to the petitioner.

(iii) for any other consequential relief or reliefs for which the petitioner will be found entitled in the facts and the circumstances of the present case.”

3. At the outset, Mr. Naresh Dikshit, learned Spl. PP Mines submits that against the order passed by the Collector, Bhojpur dated 21.02.2025, the petitioner ought to have move



before the Mines Commissioner by way of appeal under section 67(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and storage) Rules, 2019 (henceforth for short 'the 2019 Rules').

4. Chapter 16 relates appeals and revision and section 67 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".

5. Learned counsel for the petitioner submits that though he is ready to approach the Mines Commissioner, there has been delay and the said section records it as only sixty days.

6. This Court has taken note of the submission put forward by the learned Spl. PP Mines that the remedy is available before the Mines Commissioner and in that



background, if the petitioner prefers a proper appeal before the Mines Commissioner in next two weeks from today, the Mines Commissioner shall be taking up the matter and disposing it of on merit and it is expected that the same shall not be disposed of only the ground on limitation.

7. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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