

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4440 of 2026

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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 Secretary cum Mines Commissioner, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna 800001.
2. The 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, Adv.
For the Respondent/s	:	Mr. Government Pleader (11)
For the State	:	Mr. Santosh Chandra Bhaskar, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 22-07-2026 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

“(i) For issuance of a writ, order or direction in the nature of certiorari for quashing order dated 12.09.2025 contained in memo no. 5162 dated 15.09.2025 and order dated 31.10.2025 contained in memo no. 5983 dated 03.11.2025 passed by the Respondent Mines Commissioner in Appeal Case No. 12/2025 preferred by the petitioner against order contained in memo no. 1294 dated 02.06.2025



passed by the Mineral Development Officer, Patna and order contained in memo no. 3598 dated 14.12.2024 passed by Respondent Collector Patna has been dismissed on wholly erroneous grounds without considering the facts and circumstances of the case.

(ii) For issuance of a writ, order or direction in the nature of certiorari for quashing order contained in memo no. 3598 dated 14.12.2024 issued by Respondent Collector Patna whereby the work order issued to the petitioner vide letter no. 63 dated 08.01.2024 has been revoked; the security amount of Rs. 72,90,000/-deposited by the petitioner for settlement of Patna 01- B Sand ghat has been forfeited and the petitioner has been debarred from participating in any tender for two years, under Rule 28 of the Bihar Minerals (Concession, Prevention of Illegal Transportation and Storage) Rules 2019 and clause no. 19 (iii) of the tender document.

(iii) For issuance of a writ, order or direction in the nature of certiorari for quashing the order contained memo no. 1294 dated 02.06.2025 issued by the Mineral Development Officer, Patna whereby the representation of petitioner in light of order dated has been rejected by referring to Rule 28 of the 2019 Rules and Clause 19 (iii) and 24 of the NIT and also referring to memo no. 3598 dated 14.12.2024 issued by the Collector, Patna.

(iv) 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.

(v) 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.”

3. This Court vide order dated 14.05.2026 has passed the following the order:

“17. In that background, this Court directs the respondents to submit a demand draft of Rs. 10,000 in favour of the District Mining Officer, Patna by 18.05.2026, whereafter, after noticing the parties, the joint inspection shall take place on 25.05.2026 and in case, it rains on the said date, the alternate dates can be 26.05.2026 or 27.05.2026 and/or date fixed by the respondents best before 31.05.2026.



18. The petitioner while submitting the application along with the order and the demand draft together with the phone number, Whatsapp number and e-mail details so that he can be immediately informed about the date of inspection.

19. The inspection report must be signed by all the Officers as also the petitioner. In case any of the party defaults, the same be recorded. It is expected that this shall be videographed so that those present cannot deny their presence on the date of inspection.

20. It is made clear that if the report shows that the petitioner was at fault and the Sand Ghat is available, the amount deposited shall be forfeited.

21. A copy of the report shall be handed to the petitioner on the date of inspection duly signed and the parties are at liberty to file affidavits before the next date of hearing.”

4. A copy of the report submitted by the inspection team is filed as Annexure- P/17 dated 27.05.2026, having regard to the said fact the impugned orders dated 12.09.2025 and 03.11.2025 are both set aside and the matter is remanded back to the Secretary-cum- Mines Commissioner i.e. Respondent No. 2 herein to consider the case of the petitioner afresh duly taking into consideration the inspection report dated 27.05.2026 and



take necessary steps for refund of the security deposit as expeditiously as possible preferably within a period of four weeks from today. In case the petitioner makes any representation to the Commissioner for payment of the interest, the same shall be dealt by the Commissioner in accordance with law.

5. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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