

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3848 of 2026

Katyayni Contractors Private Limited a company incorporated under the provisions of the Companies Act, having its registered office at 144 Pareo, Bihta, Patna 802160, Bihar, through its director, Randhir Kumar, aged about 38 years (male) Son of Suraj Prasad, resident of Village- Pareo, P.S Bihta, District Patna 802160 Bihar.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Avinash Shekhar, Advocate
For the State	:	Mr. Raghwendra Kumar, SC-22
For the Mines Dept.	:	Mr. Naresh Dikshit, Spl. PP Mines

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-06-2026 Heard Mr. Avinash Shekhar, 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) to issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents to permit the



petitioner to remove and sell 61,73,474.50 CFT mineral (stone chips /boulder/stone dust) lying at stone block situated at Mauja Nirpur, Circle Sheikhpura, P.O Sheikhpura, 132 Plot No.01 (P), Block 18, by providing e-challans for the said quantity of minerals.

(ii) this Hon'ble Court may adjudicate and hold that in terms of Part IX Clause 6 and clause 7 of the Agreement, upon expiration/termination of the agreement, the petitioner is entitled to remove plant, machinery and other articles including already excavated material from the mining site.

(iii) this Hon'ble Court may further adjudicate and hold that the action of the Respondent Authorities in not allowing the petitioner to remove the minerals already excavated during the term of the agreement is bad in the eyes of law.

(iv) this Hon'ble Court may adjudicate and hold that the action of the Respondents in this matter is an act of unreasonableness and



arbitrariness on the part of the Respondents.

*(v) to grant any other relief or reliefs
which the Petitioner may be found entitled to in
the facts and circumstances of the case.”*

3. The matter relates to a tract of land situated at Mauja, Nirpur, Circle, P.O. and District-Sheikhpura [Plot No. 01 P, Block No. 18 (area- 12.50 acres)] which was leased out in favour of the petitioner by the Mines Department, Bihar for a period of five years beginning 10.02.2016 till 09.02.2021 and an agreement to this effect was signed on 10.02.2016 itself (Annexure P/3 to the writ petition).

4. The contention is that when the period came to an end on 09.02.2021, immediately thereafter, on 10.02.2021, the petitioner made a request with the District Mining Officer, Shiekhpora detailing out the stock that is lying there (73,30,026.45) CFT. It was duly received in the said office on 10.02.2021 and the seal of the office is there on record (Annexure P/4 and P/5 to the writ petition).

5. It seems that thereafter, both the department and the petitioners slept over the matter for next few years and came out of deep slumber only in the year 2024 when the Director, Mines Department vide letter no. 2444 dated 19.06.2024 allowed the



petitioner to lift the left over materials in next 90 days (Annexure P/7 to the writ petition).

6. The contention of the petitioner is that the District Mining Office, Sheikhpura came up with the letter demanding payment only in the month of January 2025 vide letter no. 24 dated 10.01.2025 which showed that he has to pay a sum of Rs.1,54,29,018/- (Annexure P/8 of the writ petition).

7. The contention is that immediately thereafter, on 12.03.2025, a payment of Rs.1,55,70,500/- was made in favour of the respondents duly accepted by him (Annexure P/9 to the writ petition).

8. As recorded above, once again both the petitioner and also the Mines Department slept over the matter inasmuch as, neither the Mines Department gave any time frame to the petitioner to lift the left over materials nor the petitioner came forward and made any request that he be allowed to lift the same after opening of the e-challans. The petitioner came up before this court on 12.03.2026 by filing writ petition with the prayer to allow the petitioner to lift the minerals which was lying under the Mines Department.

9. It seems that on receipt of the copies of the writ petition, the story took a different turn when the Mines



Department under the signature of the Additional Secretary informed the Collector, Sheikhpura that the prayer for lifting of the left over materials stand rejected as the petitioner failed to follow the departmental letter no. 2444 dated 19.06.2024 (Annexure P/A to the I.A. No. 01 of 2026).

10. This followed the letter no. 595 dated 04.05.2026 by which the Collector, Shiekhpora has passed an order for seizure and auction of the left over materials of the petitioner (Part of I.A. 02 of 2026).

11. Learned Counsel for the petitioner submits that though he accepts that there has been delay on his part in lifting the materials but the circumstance clearly show that after the issuance of the letter no. 2444 dated 19.06.2024 issued by the Director Mines Department, the District Mining Officer, Sheikhpura failed to provide the amount that is to be deposited. It came only in the month of the year 2025 which was promptly paid on 12.03.2025.

12. The submission is that it is not the case of the Mines Department that the delay in making payment was rejected and an order was immediately passed forfeiting the left over materials.

13. The submission is that they duly accepted



Rs.1,55,70,500/-, issued no letter whatsoever nor gave any time frame by which the left over materials is/are to be lifted. He has again taken this Court to the order in question dated 02.04.2026 to show that it records that the Collector (Mines Section) vide its office letter no. 224 dated 28.03.2025 had made a recommendation for allowing the petitioner to lift the materials but there is no further letter mentioned in the departmental order to show as to what step it took and/or any direction was given pursuant to the said recommendation made.

14. In that background, learned counsel for the petitioner submits that he is not at fault and even now, if allowed, he is ready to pay whatever the fine amount the Department wants for the delay as also within time frame allowed by the respondent, he shall be lifting the material as he do acknowledge that for five years, it has remained lying and thus prohibited the Mines Department to sign another agreement letter with any other agency/individual/contractor.

15. A counter affidavit has come on behalf of the respondent no. 5 and 6 duly signed by the Mineral Development Officer, Sheikhpura and the facts have been reiterated which already stand incorporated in the earlier part of this order and the contention of the respondents as submitted by learned Spl.



PP Mines is/are that he was given a long rope, the last being on 19.06.2024 to lift the materials but he failed and in that background, the orders in question are fully justified.

16. The submission is that a certificate proceeding was also initiated against him and further the petitioner earlier came before this Court in **CWJC No. 14899 of 2023 (Katyayni Contractors Private Limited vs. The State of Bihar and Others)** in which the order dated **08.08.2023** issued in **Misc. Case No.02 of 2023** as also the order dated 11.08.2022 passed in **Appeal No.01 of 2020** were set aside allowing the authorities to act in accordance with law. As such, he submits that the order in question need no interference.

17. This Court has gone through the facts of this case as also the materials on record and is of the opinion that both the petitioner and the Mines Department as also the District Mining Office, Sheikhpura kept on playing hide and seek game inasmuch as after the lapse of lease period on 09.02.2021, neither of the party were interested in either lifting of the material immediately and/or the Mines Department in taking appropriate steps in accordance with law, so that the site is re-tendered/ issued in favor of other claimants.

18. Years passed on and then came the letter no. 2444



dated 19.06.2024 issued by the Director, Mines Department allowing the petitioner to lift the materials in next nine months.

19. This Court has taken note of the letter dated 10.01.2025 demanding Rs.1,54,29,018/- as also the payment made on 10.03.2025 to the tune of Rs.1,55,70,500/-. The order dated 02.04.2026 passed by the Additional Secretary, Mines Department, Bihar, Patna clearly records the recommendation dated 28.03.2025 made by the Collectorate (Mines Branch), Sheikhpura by which recommendation was made for allowing him to lift the materials. The order in question is silent thereafter on the step the Mines Department took pursuant to the said recommendation and/or any time frame was allowed to be ordered.

20. In that background, in the opinion of the Court when the Mines Department itself is not clear on the steps it took on the said recommendation dated 28.03.2025, this Court is of the view that in a routine manner, they have passed an order which need interference.

21. The order dated 02.04.2026, passed by the Additional Secretary, Mines Department, Bihar, Patna (part of the **I.A. No. 1 of 2026**) as also the consequential letter dated 04.05.2026 passed by the Collector, Sheikhpura (part of **I.A. 02**



of 2026) stand quashed.

22. The matter is remitted back to the respondent no.2, the Secretary, Mines & Geology Department, Bihar, Patna who shall be taking a fresh decision in the matter in accordance with law once the petitioner approaches him/her in next three weeks after hearing all the parties.

23. This Court has already recorded the hide and seek game of both the petitioner and the Mines Department and it is made clear that if the petitioner fails to approach the said respondents in next three weeks, the respondents shall be free to take immediate steps for forfeiting the left over materials.

24. On the other hand, if the petitioner approaches in next three weeks, the respondents are duty bound to follow a time frame in which an order is to be passed which this court restricts to eight weeks from the date, the petitioner approaches the concerned respondent.

25. With the aforesaid observation, the writ petition as also both the Interlocutory Applications stand disposed of.

(Rajiv Roy, J)

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