

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9874 of 2026

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M/S Ganpati Enterprises through its Prop. Subhash Sharma, aged about 65 years, Gender- Male, Son of Ishwar Sharma, Resident of Village- Ishakchak, Gayatri Mandir, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary-cum-Mines Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
3. The Director, Department of Mines and Geology, Government of Bihar, Patna.
4. The District Magistrate, Jamui.
5. The District Mines Development Officer, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (4)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2026 Heard Mr. Sanjay Kumar, learned counsel for the

petitioner and the State.

2. The present petition has been preferred for the
following relief/s:

“(i). For issuance of a writ in the nature of Certiorari for quashing Letter No. 1372/M, Jamui dated 13.06.2026, issued by the Mines Development Officer, Jamui, whereby a fine of Rs. 77.43 lakhs has been imposed upon the petitioner, and the petitioner has further been directed to remove the alleged obstruction from the road within 48 hours, failing which further proceedings shall be initiated, and also to deposit the said fine amount within one month.



ii. For issuance of a writ in the nature of Mandamus commanding and directing the respondents not to give effect to the aforesaid impugned Letter No. 1372/M, Jamui dated 13.06.2026, in the facts and circumstances of the present case.

iii. For issuance of an appropriate writ, order, or direction staying the operation and implementation of Letter No. 1372/M, Jamui dated 13.06.2026, during the pendency of the present writ petition.

iv. For issuance of such other writ, order, or direction as this Hon'ble Court may deem fit and proper; and to which the petitioner may be found entitled in the facts and circumstances of the case.”

3. The matter relates to a sand ghat situated in the Sukhnar river under Jamui district which has lastly been settled from 14.05.2026 to 13.05.2027 (3rd settlement) here vide memo no. 1156 dated 13.05.2026 issued by the Collector, Jamui (Annexure P/4) to the petition. Immediately thereafter, vide letter no. 1352 dated 11.06.2026, it was reported that an inquiry committee surveyed the area under lease and found that the violation is/are being made by the petitioner inasmuch as a parallel road has been constructed and mining has been made in such a manner that it affects the life of the locals who use the river.



4. Learned counsel for the petitioner submits that subsequent notice vide letter no. 1372 dated 13.06.2026 issued by the Mineral Development Officer, Jamui gave only 48 hours to pay a huge amount as also to remove the entire obstructed area. The submission is that the time frame that is/are being granted by the respondents make it impossible for the parties, in this case, the petitioner, to either revert to the allegation and/or make payment or even to remove the alleged obstructed area.

5. Learned State counsel submits that the entire grievance can be put forward before the appropriate authority, the Collector, Jamui (appellate authority).

6. Having heard the parties, this Court, though it does not want to comment on the merit of the case, accept the allegation that has been made by the petitioner so far as the way notices are being issued, (in this case, by the Mineral Development Officer, Jamui) impractical time frame are imposed by the authorities.

7. The petitioner is continuing in that area for the last couple of years as this is the third settlement year which was made with him by the Collector, Jamui. The respondents failed to check the illegal activities of the petitioner earlier (if the contention made in the notice is accepted). Subsequently, it issues notice and grants only 48 hours to pay a huge amount of Rs. 77,43,000/- and to remove the entire structure.



8. Certainly, the Collector, Jamui should look into this aspect and do the needful to ensure that, in the future, such kinds of notices are not issued.

9. So far as the merit of the case is concerned, as rightly pointed out by the State counsel and is also acceptable to the petitioner that he should move before the Collector, Jamui (appellate authority) along with all his documents/points available so that after hearing him as also the respondents, an order could be passed.

10. In that background, the writ petition stands disposed of directing the petitioner to move before the Collector, Jamui in four weeks who shall be taking the matter to its logical conclusion, in accordance with law, preferably within a period of two months.

11. Till the Collector, Jamui passes the order, the *status quo* as existing today, shall be maintained. However, if the petitioner fails to file petition within four weeks, the *status quo* order shall cease in the matter after the completion of four weeks.

(Rajiv Roy, J)

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