

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14421 of 2025

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Rina Singh Wife of Sachidanand Singh, Resident of Village and Post-Sonbarsa, District- Aurangabad- 824101, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Bihar State Mining Corporation Ltd., through its Managing Director, Vikash Bhawan, Bailey Road, Patna.
3. The Managing Director, Bihar State Mining Corporation Ltd., Vikash Bhawan, Bailey Road, Patna.
4. The General Manager, Bihar State Mining Corporation Ltd., Vikash Bhawan, Bailey Road, Patna.
5. The Chief Executive Officer, Bihar State Mining Corporation Ltd., Vikash Bhawan, Bailey Road, Patna.
6. The District Magistrate cum Collector, Gaya.
7. The Mineral Development Officer, Gaya.
8. The Mining Inspector, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Vardhan Narayan, Adv.
For Mines	:	Mr. Naresh Diskhit, Adv.
	:	Ms. Shruti Singh, Adv.
For BMSC Ltd.	:	Mr. Ranjeet Kumar Pandey, Adv.
	:	Mr. Rajesh Kumar, Adv.
For the Respondent/s	:	Mr. Government Pleader (14)
	:	Mr. Subodh Kr. Mishra, AC to GP14

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

8 24-07-2026 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

“I. Issuance of directions, orders or writs in the nature of mandamus directing the Respondent particularly the District Magistrate, Gaya and the Department of Mines and Geology, Government of Bihar-to formally accept the petitioner's surrender of Sand Ghat No. 34 under



Rule 50 of the Bihar Minerals Rules, 2019, recognizing the operational infeasibility and public safety risks as valid grounds for termination.

II. Issuance of directions order or writs in the nature of Mandamus directing the Respondents to forthwith Refund the Security Deposit of ₹1.62 crore, after adjusting any legitimate dues, on the basis that the petitioner has neither defaulted nor violated lease conditions, and that the surrender is compelled by extraneous administrative and environmental constraints.

III. Issuance of directions orders or writs in the nature of mandamus declaring of Clause 21(iv) Unenforceable in the present context as well as a as judicial pronouncement that Clause 21(iv) of the tender document-which bars downward revision of settlement amount is inapplicable or ultra vires when the Environmental Clearance (EC) itself materially alters the mineable quantity and depth, thereby frustrating the contract's core purpose.

IV. Issuance of directions orders or writs in the nature of certiorari to set aside departmental letters dated 30.04.2025 (ANNEXURE P8), 04.01.2025 (ANNEXURE - P7), 19.12.2024 (ANNEXURE P6) and 09.12.2024 (ANNEXURE P5) which threatens penal consequences such as forfeiture and cancellation, despite the petitioner's invocation of surrender rights under Rule 50.

V. Any other relief or reliefs as this Hon'ble Court may deem just and appropriate in the facts and circumstances of the case."

3. Learned counsel appearing on behalf of the petitioner submits that the present writ petition may be disposed of in terms of the judgment dated 16.04.2026 passed in C.W.J.C. No. 6393 of 2025 with its analogous cases.

4. This Hon'ble Court in CWJC No. 6393 of 2025



with its analogous dated 16.04.2026 has held as under;

55. In view of the foregoing discussions, this Court deems it appropriate to pass the following directions:-

i. The impugned letters by which the surrender of sand ghats by the petitioners have been rejected and the security deposits/ earnest money deposits have been forfeited, are hereby quashed and set aside. ii. The respondents shall consider the case of the petitioners in accordance with Rule-50 of the 2019 Rules and in cases where the petitioner had given the requisite statutory notice of six months' and where no fraud or violation of mining or environmental conditions or any other irregularities have been reported against the petitioners prior to the surrender, the respondents shall accept the surrenders of the respective sand ghats of the petitioners in accordance with law and forthwith refund the respective security deposits / earnest money deposit of the petitioners after deducting recoverables, if any.

*iii. The petitioner- M/s. Awanish Construction is given liberty to approach the respondent authorities, if so advised, for refund of the proportional royalty amount for the period during which he was precluded from the mining in the sand ghat settled in its favour. If such a representation is filed, the same shall be considered and decided by the respondent authorities within a period of eight weeks from the date of filing of such a representation by the petitioner and thereafter the respondent authority shall pass a reasoned and speaking order in accordance with law after affording an opportunity of hearing to the petitioner. While deciding the representation of the petitioner, the respondent authority shall also consider the law laid down by the Hon'ble Supreme Court in the case of **Jai Durga Finvest (P) Ltd. (supra)**.*

5. Learned counsel for the respondent-Mines Department submits that as against the judgment passed in CWJC No. 6393 of 2025 with its analogous dated 16.04.2026,



the respondent-Mines Department is filing LPA and the same is yet to be filed.

6. Having regard to the fact that the judgment dated 16.04.2026 passed in CWJC No. 6393 of 2025 holds good as on date, the present writ petition is disposed of in terms of the judgment dated 16.04.2026 passed in C.W.J.C. No. 6393 of 2025 with its analogous cases.

(A. Abhishek Reddy, J)

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