IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 6086 of 2026

1. Akash Kumar Rawani, Aged about 33 years, S/O- Binod Prasad Rawani, R/O- Gandhi Road, Near Modern School of Learning, Dhanbad, Gandhi Road, P.O + P.S- Dhanbad, District- Dhanbad.
2. Rajesh Kumar Singh, Aged about 51 years, S/O- Sripati Singh, R/O- Rengnibari, P.O- Jhagrahi, P.S- Barora, District- Dhanbad.
3. Athar Nawaz Khan, Aged about 48 years, S/O- Shah Nawaz Khan, R/O- Topchanchi, P.O+ P.S- Topchanchi, District- Dhanbad.
4. Rajeev Ranjan Ghosh, Aged about 56 years, S/O- Anadi Nath Ghosh, R/O- Near Shiv Mandir, Village New Govindpur, Koiridih, P.O- Sonardih, P.S- Madhuban, District- Dhanbad.
5. Jay Dip Kumar @ Jai Dip Kumar, Aged about 50 years, S/O- Kanhaiya Lal, R/O- Misthan Bhandar Gali, Bekar Bandh, P.O + P.S- Dhanbad, District- Dhanbad.
6. Samir Kumar Mandal @ Samir, Aged about 49 years, S/O-Late Amulya Mandal, R/O-C/O- Bipin Ch. Mandal, Dhaiya, Kumhar Tola, Near Bartand Middle School Road, P.O + P.S-Dhanbad, District- Dhanbad.
7. Md. Naushad Ali, Aged about 53 years, S/O- Md. Yunus, R/O- 90, Chhatabad, New Mohalla, Akashkanali, P.O + P.S- Dhanbad, District- Dhanbad.
8. Kashi Nath Prasad, Aged about 52 years, S/O- Ram Ayodhya Singh, R/O- Near Idia Tower, Jharidih, Bekar Bandh, P.O + P.S- Dhanbad, District- Dhanbad.
9. Md. Rashad Khan, Aged about 34 years, S/O- Jan Mohammad Khan, R/O- Village Baliyapur, P.O + P.S-Baliyapur, District- Dhanbad.
10. Mahbub Alam, Aged about 47 years, S/O- Md. Subhani, R/O- Ledatand, Madaidih, P.O + P.S- Topchanchi, District- Dhanbad.
11. Sachida Nand Sinha, Aged about 54 years, S/O-Jagdish Prasad, R/O- Village- Bakaspura, Luti Pahadi, P.O + P.S- Baghmara, District- Dhanbad.
12. Surendra Kumar Jha, Aged about 51 years, S/O-Jaykishor Jha, R/O- Near Hirak Road (North), Jamuatand, VTC- Dumra, P.O- Nawagarh, P.S- Baghmara, District-Dhanbad.
13. Pramod Kumar Saw, Aged about 48 years, S/O-Dinanath Saw, R/O- Kachhi Balihari, P.O + P.S- Kusunda, District- Dhanbad.

14. Sankar Singh, Aged about 46 years, S/O- Ramdev Singh, R/O- Rajganj, Kulhi, Daludih, P.O- Katrasgarh, P.S-Katras, District- Dhanbad.
15. Nureman Ansari, Aged about 34 years, S/O- Sharif Ansari, R/O- Village- Baghmara, P.O- Baghmara, P.S-Baliapur, District- Dhanbad.
16. Sujeet Kumar, Aged about 54 years, S/O- Ashok Kumar, R/O- Shital Samundra Apartment, Flat No. 502, Lohar Kulhi, Near HDFC Bank, Saraidhela, Phuphaudi, P.O-Saraidhela, P.S- Dhanbad, District- Dhanbad.
17. Manish Kumar Saw, Aged about 42 years, S/O-Subhash Prasad Saw, R/O- Maharajganj, P.O + P.S-Dhanbad, District- Dhanbad.
18. Mohan Chandra Kumhar @ Mohan Kumhar, Aged about 50 years, S/O- Bhanu Pratap Kumhar, R/O- Village-Babudih, P.O- Kharni, P.S- Barwadda, District- Dhanbad.
19. Manoj Kumar Mahatha, Aged about 45 years, S/O- Raj Kumar Mahatha, R/O- Nudkhurkee, P.O + P.S- Madhuban, District- Dhanbad.
20. Arvind Singh, Aged about 61 years, S/O- Girija Singh, R/O- Near Radhey Nagar, Hindu Mission Road, Mada Colony, P.O + P.S- Dhanbad, District- Dhanbad.
21. Rakesh Tiwary, Aged about 49 years, S/O- Bijay Krishna Tiwary, R/O- Village Malkera Basti, P.O-Katrasgarh, P.S- Katras, District- Dhanbad.
22. Shankar Bhagat, Aged about 49 years, S/O-Kedarnath Bhagat, R/O- Gram Nauhat Morcha, P.O + P.S-Tundi, District- Dhanbad.
23. Ajay Kumar, Aged about 49 years, S/O- Suraymani Sharma, R/O- Lubi Circular Road, Jharudih, Malipathi, P.O + P.S- Dhanbad, District- Dhanbad.

... Petitioners

Versus

1. The State of Jharkhand.
2. The Chief Secretary, Having its office at- Project Bhawan, Dhurwa, P.O + P.S- Dhurwa, District -Ranchi.
3. The Secretary, Department of Mines and Minerals, Having its office at Project Bhawan, Dhurwa, P.O + P.S- Dhurwa, District - Ranchi.

4. The Deputy Secretary, Department of Rural Work, Having its office at Project Bhawan, Dhurwa, P.O + P.S- Dhurwa, District - Ranchi
5. The District Collector, Dhanbad, Having its office at-Dhanbad, P.O + P.S- Dhanbad, District- Dhanbad.
6. The Deputy Development Commissioner-cum-Member Secretary, D.M.F.T, Dhanbad, Having its office at-Dhanbad, P.O + P.S- Dhanbad, District- Dhanbad
7. The District Mining Officer, Dhanbad, Having its office at-Dhanbad, P.O + P.S- Dhanbad, District- Dhanbad.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Petitioners: Mr Pratiush Lala, Advocate
For the Respondents: Mr Vibhor Mayank, A.C. to A.G.

04/Dated: 23.09.2026

1. Heard Mr Pratyush Lala, learned counsel for the petitioners and Mr Vibhor Mayank, learned A.C. to A.G., for the respondents.

2. At the outset, Mr Pratyush Lala, learned counsel for the petitioners, presses for relief in terms of prayer clause (iii) which reads as follows: -

> "iii *For issuance of an appropriate Writ(s)/Order(s)/ Direction(s) in the nature of Mandamus and issue command upon the respondents to place on record entire details of authorized dealers/lawful dealers from whom respondents are intending and allowing these petitioners to purchase their Minor and Minerals i.e soil, red bricks 75-A and 75-B, gravel, sand or stone chips e.t.c and further in event of failing to produce such details respondents may be directed to make immediate arrangements of sufficient number of authorized/lawful dealers in the Dhanbad Jurisdiction for the smooth running of the construction/ development works related to the Public Works."*

3. Mr Lala contended that, even though there are no registered dealers in the State from whom the petitioners could purchase minor minerals, the impugned communication dated 03.07.2026 still obliges the petitioners to purchase minor minerals only from registered dealers.

4. Accordingly, on 24.08.2026, we made the following order, *inter alia* directing the respondents-State to file a counter affidavit in the matter: -

> *"1. Heard learned counsel for the parties.*
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> *2. Mr Vibhor Mayank, learned A.C. to A.G., states that a counter affidavit will be filed on or before 10th of September 2026 without seeking any extension upon serving an advance copy to the learned counsel for the petitioners.*
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> *3. Accordingly, we list the matter on 14th of September 2026 and direct the matter to retain the same position.*
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> *4. The counter affidavit of the respondents is necessary in this matter because Mr Pratiush Lala, the learned counsel for the petitioners, submits that the impugned communication dated 03.07.2026 obliges the petitioners and other registered contractors to purchase minor minerals only from registered dealers. He contends that there are no registered dealers in the State and this position is supported by the letter of the Secretary, Rural Works Department, addressed to the Secretary, Mines and Geology Department, Government of Jharkhand."*

5. Mr Ritesh Raj Tigga, DMO, Dhanbad, has filed a detailed counter affidavit in the matter, a copy of which has been supplied to the learned counsel for the petitioners.

6. The counter affidavit refutes the petitioners' contention about there being no registered dealers in respect of minor minerals within the State of Jharkhand.

7. Paragraphs 12, 13 and 14 of the counter affidavits are relevant in the above regard, and therefore, the same are transcribed below for the convenience of reference:-

> "*12. That it is further submitted that the very foundation of the petition, namely that "not even a single" valid dealer is available in Dhanbad, is factually incorrect. As per the JIMMS record maintained by the District Mining Office, Dhanbad, extracted on 15.09.2026, 98 minor mineral working dealers are registered with the District Mining Office, Dhanbad, and the status of each of these is in force.*
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> *13. That it is further submitted that even leaving aside the categories meant for onward transport, rail despatch, self-consumption and captive processing, 93 dealers stand registered for procurement, storage and sale of sand and stone/stone chips/stone dust, with addresses spread across the district of Dhanbad, including Govindpur, Baliapur, Nirsa, Tundi, Barwadda, Katras, Rajganj, Sindri, Topchanchi, Dhansar, Maithan, Chirkunda and Saraidhela*
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> *14. That it is further submitted that as regards bricks, the District Mining Office, Dhanbad approved ten brick permits, each for 6,00,000 pieces in the years 2024-2025. Brick permits are granted on application and the answering respondents are actively working on accepting or rejecting any application received in this regard."*

8. On perusing the above-referred contents and the documents annexed to the counter affidavit, we are satisfied that the very premise, or rather the only premise, on which this petition was

filed was misconceived. In the counter affidavit, there is not only an assertion that, in the District of Dhanbad alone, there are 98 registered dealers, but also that Mr Vibhor Mayank, the learned A.C. to A.G., states that there is no prohibition on procuring minor minerals from registered dealers even beyond the district of Dhanbad.

9. Mr Mayank submitted that the purpose of issuing the impugned communication was to ensure that minor minerals sourced only from permitted and authorised mining activities are utilised for Government contracts. He submitted that if liberty is given to the petitioners to source minerals even from unregistered dealers, who may be mainly involved in illegal and unauthorised mining, it would amount to the State encouraging unauthorised and illegal mining. He submitted that even this Court, when exercising its jurisdiction under Article 226 of the Constitution of India, should not lend its assistance to any unauthorised or illegal mining through the surreptitious mode suggested by the petitioners.

10. Mr Mayank, also referring to Rule 54 of the Jharkhand Minor Mineral Concession Rules, submitted that illegal procurement of minor minerals cannot be allowed and further, such procurement cannot be regularised by simple payment of fines. He also submitted that this Rule has not been challenged in this petition and that the impugned communication is consistent in both letter and spirit with the Rule.

11. Mr Lala now submits that the details of the registered dealers furnished with the counter affidavit do not relate to red bricks

and *murrum*. On that basis, he submits that the impugned communication is vulnerable.

12. Now that the fundamental premise of the petition is misconceived, the petitioners cannot be permitted to indulge in such hair-splitting. At least insofar as red bricks are concerned, paragraph 14 of the counter affidavit states that the D.M.O., Dhanbad has approved 10 brick permits, each for 6,00,000 pieces in the year 2024-2025. A summary report in that regard is also annexed to the counter affidavit.

13. Mr Lala then submitted that the respondents should be directed to provide information/a list of all registered dealers in the State of Jharkhand so that the petitioners could source the minor minerals from such registered dealers. To our query as to whether the petitioners have sought this information under the RTI Act, 2005, Mr Lala submitted that the petitioners have sought such information under the RTI Act, 2005. He submitted that, apart from this, a representation has also been made to the respondents seeking this information.

14. Mr Mayank disputes the receipt of any representation. At this stage, we need not enter into such controversy. Since the learned counsel for the petitioners asserts that information has been sought under the RTI Act, 2005, the petitioners can pursue such an application on the terms provided under the RTI Act, 2005. A writ petition is not the proper remedy when the petitioners claim to have invoked the provisions of the RTI Act, 2005 to secure information.

15. Mr Mayank’s contentions about the purpose of issuing the impugned communication and insisting that Government

contractors source minor minerals from registered dealers, and not the so-called open market, cannot be easily discounted or rejected. We are obliged to take judicial notice of the fact that several petitions are pending in this Court or being filed in this Court complaining about illegal and unauthorised mining, including W.P.(PIL) No. 3963 of 2019.

16. In most of those cases, we enquire of the State Government about the steps being taken to prevent, or at least contain, such unauthorised mining. Insistence that the Government contractors procure minor minerals from sources that are themselves undertaking authorised mining can hardly be regarded as something arbitrary or unreasonable. Such communication, at least *prima facie,* appears to be consistent with Rule 54 referred to in the counter affidavit. Admittedly, the petitioners have not challenged this Rule in this petition.

17. Therefore, upon considering the above circumstances, we see no merit in this petition and consequently dismiss it without any order for costs.

18. The pending interlocutory application does not survive and is disposed of.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

September 23, 2026

A.F.R.

APK/VK
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