

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3305 of 2025**

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M/s Shree Ganesh Medical Agency a proprietorship firm having its business office at 3B, 22-23 Sukhadiya Nagar, Sriganganagar, Rajasthan- 335501 through its authorized representatvie namely Kalu Singh male aged about 24 years son of Gopal Singh resident of ward number 01, Deenwa, P.O. and P.S.- Mandawa, District- Jhunjhunun, Rajasthan- 333704.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The Mines Development Officer, Banka.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate
For the Mines	:	Mr. Naresh Dikshit, Spl. PP
		Ms. Shruti Singh, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA-7
		Mr. Manoj Kumar Ambastha, SC-25
		Mr. Santosh Kumar Mishra, AC to SC-25

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**and**  
**HONOURABLE MR. JUSTICE RANJAN KUMAR JHA**  
ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)**

7      07-07-2026

Heard learned counsel for the parties.

2. Following is the relief sought for in the present writ application:-

*“(a) For issuance of a writ or order or a direction in the nature of certiorari for quashing of the letter bearing reference number 810/M dated 26.07.2024 issued by the respondent Mines Development Officer, Banka;*

*(b) For further issuance of a writ or order or a direction in the nature of certiorari for quashing of the letter bearing reference number*



*109/M dated 05.02.2025 issued by the District Magistrate, Banka;*

*(c) For further issuance of a writ or order or a direction upon the respondent the District Magistrate, Banka to proportionately reduce the auction amount in light of reduction in the area and quantity of product auctioned in terms of the tender document so as to ensure balancing of interest of both the petitioner and the respondents;*

*(d) For further issuance of a writ or order or a direction restraining the respondents in terms of the notice inviting tender from compelling the petitioner to observe and comply with further terms and conditions of the tender notice in view of the decision of the respondent the District Magistrate, Banka whereby the rules of the tender have been changed after participation of the petitioner which is impermissible in law;*

*(e) For further holding and a declaration that the denial of proportionate reduction in the auction amount in spite of reduction in the area and quantity of product to which the petitioner was entitled in terms of the tender notice and other details stated therein constitutes a case of unjust enrichment of the respondents and the state government which is impermissible in law;*

*(f) For grant of any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of this case.”*

3. Mr. Naresh Dikshit, learned counsel for the Mines Department submits that the order under challenge is appealable under Rule 67 of the Bihar Minerals (Concession, Prevention of



Illegal Mining, Transportation & Storage) Rules, 2019.

4. In view of the aforesaid submission, the petitioner is directed to prefer an appeal along with the application for stay of the order under challenge within a period of four weeks from the date of receipt/production of this order.

5. In the event any such appeal is preferred, the competent appellate authority shall consider and dispose of the same by passing a reasoned order in accordance with law after affording due opportunity of hearing to all the stakeholders within the statutory period as provided under Rule 67 (3).

6. In the event any application for stay is also filed along with the appeal, the authority shall consider the same and pass an appropriate order.

7. With the aforesaid observation, the present application stands disposed of.

8. Pending application(s), if any, shall also stand disposed of.

**(Sudhir Singh, J)**

**(Ranjan Kumar Jha, J)**

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