

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12159 of 2022

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Nooruddin Ahmad @ Nuruddin Ahmad Son of Late Shamsuddin Ahmad
Resident of Village-Amwa Vijaypur, P.O.-Rampur Daud, P.S.-Kuchaikote,
District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Mines and Geology,
Government of Bihar, Patna.
2. The Principal Secretary, Mines and Geology, Government of Bihar, Patna.
3. The Collector/District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The District Mineral Development Officer, Gopalganj.
6. The District Transport Officer, Gopalganj.
7. The S.H.O. Mirganj, Police Station, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha (GA 7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 26-08-2022

Petitioner has prayed for the following relief(s):

“i. For issuance of a writ in the



nature of Mandamus or any other appropriate writ, order or direction, directing the respondents to release the Hyva Truck (Heavy Goods Vehicle) bearing Registration No. BR31G 7503, Engine No. CNPZ113991, Chassis No. MB1HTLWXCPNG1349, which has been seized on 20.02.2022 by Mirganj Police near Sabeya Field at Mirganj-Fulwaria State Highway due to carriage of overloaded stone chips and the same is lying outside of Mirganj Police Station Campus, District – Gopalganj, under open Sky and as such its Body as well Engine are deteriorating day by day and the interest of Loan amount of the Vehicle is increasing also.

ii. For issuance of a writ in the nature of Certiorari or any other appropriate writ, order or direction quashing the letter no. 428/M dated- 05.07.2022 issued by District Mining Office, under the signature of Mineral Development Officer, Gopalganj by which petitioner has been asked to deposit illegal demand of Rs.2,64,805/- in the office by 15.07.2022, otherwise vehicle along with Mineral will be referred to District Magistrate for further action. Whereas petitioner has already deposited Rs.79500/- in District Transport Office on 27.05.2022 an overloading penalty of 630 C.F.T. Stone Chips.

iii. For issuance of a writ in the nature of Mandamus or any other appropriate



writ, order or direction, directing the respondents to adjust the excess amount of overloading fine of 650 C.F.T. Stone Chips deposited in District Transport Office.

iv. For issuance of any other relief or reliefs for which the Petitioner is found entitled too.”

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

The petition is disposed of as withdrawn with the liberty aforesaid.

Liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.

It stands clarified that all issues of fact and law are left open to be agitated by the competent authority.



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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2022
Transmission Date	

