

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13054 of 2022

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Rajesh Kumar (Male), aged about 39 years, S/o Shri Ramdutta Sharma
Resident of 132, C.D.A. Colony, East of Shiv Mandir, Shastri Nagar, L.B.S.
Nagar, Police Station- Sashtri Nagar and District- Patna, Bihar 800023.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The District Magistrate, Arwal.
4. The Superintendent of Police, Arwal.
5. The Mineral Development Officer, Arwal.
6. The S.H.O. Karpi Police Station, Arwal.
7. The Officer-in-charge, Shahar Telpa, O.P., Police Station- Karpi, Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Namrata Mishra, Advocate Mr. Avinash Chandra, Advocate Mr. Apurva Kumar, Advocate
For the Mines	:	Mr. Naresh Dixit, SP. PP Mines Ms. Kalpana, Advocate
For the State	:	Mr. GP Ojha, GA 7, Mr. Abhishek Singh, AC to GA 7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-10-2022

Petitioner has prayed for the following relief(s):-

“(1) For direction to the respondents to release the truck of petitioner bearing registration no. BR01-GA-9950 which has been firstly seized by the police personnel of Shahar Telpa O.P. of Police Station - Karpi, Arwal thereafter seized by respondent no. 5 on false



allegation of “Over Load”.

(ii) For direction to respondent authorities to follow the instructions given by the Department of Transport, Government of Bihar through letter vide memo no. 8164 dated 07.11.2019 undersigned by Deputy Secretary, Department of Transport, Government of Bihar, Patna. (Annexure-9)

(iii) For direction to respondent no. 1 and 2 to take necessary departmental action against respondent no. 5 and Policemen of Shahrtpa O.P. for not following the guidelines given by the State of Bihar. (Annexure 9)

(iv) For direction to the respondents to issue official letter to all the authorized stone queries and sand mines and give a direction to measure the volume of material whereas at present it is a common practice that mining stations measures laden weight in Kilo Gram and then they divide the total quantity by 40 and the result is considered as volume of material which is not correct always.

(v) For direction to the respondent authorities to either measure the volume of laden quantity in actual or volumetric figure be removed from the Mining Transit Pass/Chalan.

(vi) For direction to respondent authorities to pay compensation to the petitioner for illegal confinement of his commercial vehicle.

(vii) For any further relief/reliefs, direction/directions, or order/orders which are found admissible during the course of arguments.”

Shri Naresh Dikshit, learned Special P.P., Mines, states that within next five working days, the petitioner’s request for release of the vehicle, more so in terms of the circular (issued by the State Government), allowing weightage to the



extent permissible of excess weight of the goods over and above the ladden weight of the vehicle would positively be considered and decided.

Statement accepted and taken on record.

Ordered accordingly.

Petition is disposed of in the aforesaid terms.

Liberty reserved to the petitioner to agitate the issue, should the need so arise.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	19.10.2022
Transmission Date	

