

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3100 of 2024

Rajbali Yadav Son of Ram Das Yadav Resident of Village- Kairpur Jagjivan
Rani ki Sarai, P.S.- Azamgarh, District- Azamgarh (U.P.) 276001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines Department, Government of Bihar, Patna.
2. The Additional Chief Secretary -Cum- Mining Commissioner, Mines and Geology Department, Government Kaimur at Bhabhua.
3. The District Magistrate, Kaimur at Bhabhua.
4. The Additional District Magistrate, Kaimur at Bhabhua.
5. The District Mining Officer, Kaimur at Bhabhua.
6. The Transport Department of Bihar, District Transport Officer, at Bhabhua (Kaimur).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sarfraz Ahmad, Advocate
For the Respondent/s : Mr. Government Pleader (3)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2024 Heard the parties.

2. The present writ petition has been preferred for the
grant of following relief/s:-

“(i) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondents authorities to release the truck of petitioner bearing Registration No. UP-64H-4270 which has been illegally by the Respondent authorities in Kaimur in gross contravention of all prescribed statutory requirements for part one month and has been kept in open beside highway.

(ii) That this is a writ application for declaration that if at stature prescribes a particular act to be done in a particular manner then it should be done on that manner alone or not at all, any other made is not only prohibited



but same becomes an illegality.

(iii) That this is a writ application for issuance of any other appropriate order/orders, writ/writs. direction/ directions for which the writ petitioner is entitled under the facts and circumstances of the case.”

3. The petitioner owns a tractor and though according to the respondents it has been found to be moving with sand without proper challan, the stand of the petitioner is that static truck near a hotel was seized.

4. This Court cannot go into the facts whether the truck was sand laden or standing near the hotel.

5. Learned counsel for the petitioner submits that he will be approaching the respondent no. 3, the District Magistrate, Kaimur at Bhabua for the redressal of the grievance as the said truck is the only source of the bread and butter of his family.

6. Without making any comment on the merit of the case and granting said liberty, the present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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