

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11525 of 2024

Manoj Kumar @ Manoj Kumar Singh S/o Ram Bilash Singh, Resident of Ward No. 9, Company Sarai, Civil Line, Sasaram, P.S.- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Govt. of Bihar, Patna, Bihar.
2. The District Magistrate, Rohtas, District- Rohtas.
3. The Director, Mines and Geology, Rohtas at Sasaram.l
4. The Superintendent of Police, Rohtas.
5. The S.H.O., Dehri (Muffasil), Police Station, Dehri, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Manoj Kumar, AC to GP-4
For the Mines	:	Mr. Naresh Dikshit, Spl.P.P.
		Mr. B.B. Tiwari, Advocate

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 setting aside the letter No. 995/M.

Sasaram dated 24.6.2024 issued by the Assistant Director, Mines and Geology, Rohtas at Sasaram whereby he has asked to the Districts Magistrate, Rohtas at initiate confiscation proceeding against the truck of the petitioner bearing Registration No. BR24GB-4065 which has been seized by the respondents with the



allegation of being overloaded.

(ii) For issuance of appropriate writ (s), order (s), direction (s) to the respondents concerned to not to initiate confiscation proceeding against the truck in question till the disposal of present writ application.

(iii) For issuance of appropriate writ (s), order (s), direction (s) to the respondents concerned to release the truck in question in favour of petitioner.

(iv) For issuance of appropriate writ (s), order (s), direction (s) to the respondents concerned to pay compensation for the damages caused to the truck in question as well as the monetary loss in the business of petitioner due to illegal act of the respondents.

Any other relief (s) as your lordships may deem it fit and proper.”

3. Learned counsel for the petitioner has satisfied this Court that both the District Mining Office, Rohtas at Sasaram as also the S.H.O., Dehri (Headquarter), Rohtas are throwing the ball in each others court.

4. On the one hand, there is a letter dated 17.06.2024 issued by the S.H.O., Dehri (Headquarter), Rohtas to the Sub-



Divisional Officer, Dehri stating that that Mining Officer of the said district handed over the truck which has been kept in the Police Station (Annexure-P-6), the letter no. 1048 dated 04.07.2024 issued by the District Mining Office, Rohtas at Sasaram. Though, in the initial linings talks about the seizure list and handing over the vehicle to the Police Station, in the concluding portion it has clarified that the mining office has not seized the truck(Annexure P-7).

5. This Court wanted to summon the official concerned who has put in his signature (the Assistant Director Mines and Geology, Rohtas at Sasaram) but at this stage, learned counsel for the petitioner submits that to his knowledge an order has been passed in the matter on 06.09.2024 and now he has no option but to prefer appeal.

6. All the issues shall remain open which has been incorporated in the writ petition.

7. The same is accordingly disposed of allowing the petitioner to file appeal.

8. The petitioner shall be free to immediately move before the Appellate Authority for an interim order so that pursuant to the order passed in confiscation proceeding, the vehicle is not put to auction.



9. If such petition is preferred along with the appeal in next two weeks, the same shall be immediately taken up and the prayer for interim protection be disposed of.

(Rajiv Roy, J)

Adnan/-

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