

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16172 of 2023

Sanjay Singh Son of Kapildeo Singh, resident of Village-Bankerwa, P.S. Parsouna, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
2. The District Mining Officer, Saran at Chapra.
3. The District Magistrate cum Collector, Saran, Chapra.
4. The S.H.O. Khara P.S., District-Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jainendra Kumar, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha (GA-7) Mr. Abhinav Ashok, AC to GA-7
For the Mines	:	Mr. Naresh Dikshit, Advocate Mr. Utsav Anand, Advocate Mr. Brij Bihari Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2024 Heard the parties.

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

“(i) For issuance of writ/writs in the nature of Mandamus commanding the respondents immediately refund the total amount of fine of Rupees 2,87,150/- which has been received by Mines and Geology Department District Mining Office, Saran.

(ii) For commanding the respondents as to why the illegal fine Rs. 2,87,150/- has been imposed against the petitioner illegally.

(iii) For commanding the respondents to immediately pay the compensation amount of Rs. About 5,00,000 Lacs for illegal detention of petitioner truck bearing No. BR01GG/7005.



(iv) For commanding the respondent to take appropriate action against the authority concerned who illegally collected fine amount Rs. 2,87,150/- and the person who has illegally detain the petitioner truck in the company of Khara P.S. District- Saran.

(v) For commanding the Respondents to immediately pay the fine amount and the compensation amount with interest at the rate of 14% per anum from the date of Deposition of fine amount till the date of respective payment.

(vi) For commanding the respondents to immediate disposal of the representation dated 22-09-23 which has been filed before Principal Secretary, Mining and Geology Department, Patna, Bihar and The Collector, Chapra, Siwan.

(vii) For any other writ/writs, direction/ directions, order/orders as this Hon'ble Court may deem fit and proper of the fact and circumstances of this case.”

3. It is the contention of the petitioner that he is having a truck bearing registration BR-01-GG-7005 which is a 14 wheeler truck. The same has been purchased for the loading/unloading of the sand.

4. It is his contention that erroneously, though the gate pass incorporated the vehicle as a Truck, the challan so issued on 30.07.2023 showed it as a Tractor (Annexure-2 to the petition).

5. It is his contention that since the challan itself was



wrongly printed, he had no role to play in it, the fine that was imposed upon him to the tune of Rs. 2,79,650/- as also Rs. 7,500/- (which are part of Annexure-5 to the writ petition) has been illegally realized.

6. In that background, he has come before this Court to refund the amount alongwith an interest of 14%.

7. Mr. Naresh Dixit, learned Spl.P.P., Mines is representing the respondent no. 2. A counter-affidavit has been filed and according to which, the petitioner with local connivance, got a challan issued in the name of tractor for his fourteen wheeler truck. It is his submission that first the payment is made and only thereafter the challan is issued. According to him, the petitioner as such has suppressed the statement/document to show what was the payment made by him which followed the issuance of challan as that would have reflected whether the petitioner made payment for a Tractor or the Truck as the amount in case of Tractor is much lesser than a fourteen wheeler Truck.

8. This Court finds force in the submission of learned Spl.P.P. Mines. There is no averment by the petitioner anywhere in the writ petition what was the payment that was made by him for the issuance of the said challan inasmuch as whether payment was made for the fourteen wheeler Truck or a Tractor.

9. Since, neither any statement has been made nor any



the document is on record and the learned counsel for the petitioner is also unable to answer to the specific statement made by the learned Spl.P.P. Mines, this is clearly suppression of fact. It is to be noted that with related to the same criminal act, the Mining Inspector, Saran, Chapra has already lodged Khaira P.S. Case No. 277 of 2023 on 03.07.2023 (Annexure-4 to the writ petition).

10. In view of the fact that petitioner has not come to the Court with the clean hand, has suppressed the fact and still wants an order under Article 226 of the Constitution of India, it is fit to be put in the category of a frivolous petition and is accordingly dismissed with a cost of Rs. 2,000/- to be deposited with the District Legal Services Authority, Chapra (exclusively for the purchase of journals) within four weeks from today.

11. Failure to do so, appropriate steps be taken in accordance with law for the realisation of the amount.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

