

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1410 of 2025

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Mevalal Chauhan S/o Late Lekhraj Chauhan Resident of Village- Hazratpur,
Tola- Lewar, Post- Pithauri, P.S.- Narhat, District- Nawada, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Nalanda, Bihar.
3. The Mining Officer, Mines and Geology Department, Nalanda, Bihar.
4. The Director, Mines and Geology Department, Government of Bihar, Patna.
5. Inspector Ravi Kumar Gupta, Maniram Akhada Police Checkpost, Bihar Sharif, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jaspal Rana, Advocate
For the Respondent/s	:	Mr. Government Pleader (24)
For Mines Department	:	Mr. Naresh Dikshit, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-03-2025 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Mines

Department.

2. The present writ petition has been filed for the

following reliefs:-

(1) For issuing a writ of certiorari or any other appropriate writ quashing the illegal seizure of the petitioner's vehicle bearing registration number JH02T3704, seized on 16 October 2024, and the arbitrary fine of Rs.8,63,750 imposed on 27 November 2024.

(ii) For issuing a writ of mandamus directing the immediate release of the petitioner's seized vehicle, as its prolonged seizure is causing significant financial distress.



(iii) For granting interim relief by directing the release of the petitioner's vehicle during the pendency of this writ petition.

(IV) For directing an independent inquiry into the illegal and coercive actions of Inspector Ravi Kumar Gupta and the officials of the Mining Department.

(V) For granting any other relief(s) as deemed fit by this Hon'ble Court.

3. Learned counsel for the petitioner submits that petitioner is the registered owner of the vehicle bearing registration no. JH02T3704 which was lawfully transporting stone chips to Saharanpur, Uttar Pradesh on 16.10.2024. The vehicle was seized by the authority concerned despite of the petitioner having all valid documents and the authority has not given any chit of paper which suggest that petitioner is required to deposit fine before the authority concerned then the petitioner has not other option to approach the Chief Judicial Magistrate, Nalanda for release of vehicle in question.

4. Learned counsel for the petitioner further submits that despite of time granted to learned counsel for mines department, he has not filed any compliance report before the learned Chief Judicial Magistrate. The Chief Judicial Magistrate has directed that if by the next date, the compliance is not filed by the concerned authority then contempt proceeding shall be made against them. In compliance of the order, Assistant



Director, Mines Department has submitted a report stating therein that petitioner is required to deposit Rs. 8,63,750. Despite of that the petitioner was not served any chit of paper which suggest that the petitioner is required to deposit fine amounting to Rs. 8,63,750 as yet and the vehicle in question was not released by the authority concerned. Then the petitioner has filed representation before the respondent no.2, 3 and 4 but no action has been taken by the authority concerned. It appears from the seizure list (annexure P/7) that the authority has issued the seizure list on 17.10.2024 but the author has signed it on 16.10.2024.

5. Respondent no. 2, 3 and 4 has filed a counter affidavit but they have not stated anything with respect to fine in question which was so called imposed on the petitioner. It appears that although the mines department has stated that the petitioner is liable to pay a penalty of Rs. 8, 63, 750 but he has not annexed any letter which suggest that the same was issued in the name of the petitioner or mines department serve the copy of the penalty to the petitioner that he is liable to pay Rs. 8,63, 750.

6. Having heard the parties and perused the materials on record it appears that although truck in question was seized



by the authority concerned despite the petitioner having valid challan (annexure-2)and till date the mines department had not served any paper to the petitioner which suggest that petitioner is liable to pay fine in tune of Rs. 8,63,750 .

7. Considering the aforesaid facts and circumstances, the authority concerned is directed to release the vehicle in favour of the petitioner, within 15 days from the date of production of the copy of the order.

8. With the aforesaid direction, the writ petition is disposed of.

(Rajesh Kumar Verma, J)

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