

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9746 of 2019

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Raj Kumar Singh son of Surendra Prasad Singh resident of village-
Ashoknagar, Borian, P.S-Jalalpur, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, New Secretariat, Vikas Bhawan, Patna
3. The Principal Secretary, Department of Environment and Forest, Bihar, Patna Bihar
4. The Home Secretary (Police), Department of Home, Main Secretariat, Patna Bihar
5. The Director General of Police, Department of Home (Police), Main Secretariat, Patna Bihar
6. The District Magistrate-cum Collector, Siwan Bihar
7. The Superintendent of Police, Siwan Bihar
8. The Assistant Director, Mines and Geology, Siwan Bihar
9. The Mining Officer-cum-competent authority, Mines and Geology, Siwan Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar Singh, Advocate Mr. Dewendra Narayan Singh, Advocate
For the State	:	Mr. Gyan Prakash Ojha (Ga7)
For the Mines	:	Mr. Naresh Dikshit, Spl.PP Mrs. Kalpana, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

4 24-06-2025 Heard Mr. Ashutosh Kumar Singh, learned counsel

for the petitioner, Mr. Naresh Dikshit, learned Spl.PP for the

Department of Mines and Mr. Gyan Prakash Ojha, GA-7 for the

State.

2. The petitioner has approached this Court for the
following reliefs:-



(i) For directing the respondent authorities to refund the amount of Rs.80,000/- to the petitioner which has been deposited by him in the Mines Department, Siwan through Demand Draft No.379332 dated 16.07.2018 against the fine imposed upon him illegally by the Department of Mines, Siwan for release of the truck vehicle of the petitioner loaded with sand which was caught and seized illegally, whereas after getting valid challan issued for transporting the sand, the sand was being transported by the truck vehicle of the petitioner in which no illegality has been found to be caused.

(ii) For making payment of statutory interest of 12% on the deposited fine amount of Rs.80,000/- calculating from the date on which the said fine amount was deposited by the petitioner in the Mines Department, Siwan.

(iii) For any other relief(s) to which the petitioner is found entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner had deposited the fine of Rs.80,000/- in the Mines Department, Siwan through Demand Draft No.379332 dated 16.07.2018 and thereafter got his seized truck released. The counsel for the petitioner submits that the fine was illegally imposed and therefore, he is now seeking for refund of the said



fine.

4. Learned Spl.P.P for the Mines Department submits that the petitioner had voluntarily deposited the fine of Rs.80,000/-, upon which the seized vehicle/truck of the petitioner was released. He further submits that once having voluntarily deposited the fine, the petitioner cannot seek refund of the same.

5. The counsel for the State supports the contention made by the learned Spl.P.P for the Mines Department.

6. It is not in dispute that the fine of Rs.80,000/- was deposited by the petitioner voluntarily. Once having voluntarily deposited the fine, it will be deemed that he had accepted the imposition of the fine, and therefore, he had deposited the same pursuant to which his seized truck was released.

7. In above circumstances when the petitioner had voluntarily deposited the fine pursuant to which his truck has been released, the prayer made is totally misconceived and not maintainable in law. This writ application is, accordingly, dismissed.

(Alok Kumar Sinha, J)

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