

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5188 of 2025**

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Kundan Kumar Son of Sri Manmohan Yadav, Resident of Village Post and PS  
Purab Sarai District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Mines and Geology Bihar Patna.
2. Director of Mines, Bihar Patna.
3. Commissioner of Mines and Geology, Bihar Patna.
4. Collector cum District Magistrate, Munger.
5. District Mining Officer, Munger.
6. Superintendent of Police, Munger.
7. Sub-Divisional Public Grievance redressal officer, Haveli Kharagpur District Munger.
8. Mines Inspector Mining Office, Munger, District Munger.
9. Officer-in-Charge Sangrampur, District Munger.
10. Circle Inspector Sangrampur, District Munger.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr. Diwakar Prasad Singh         |
| For the Respondent/s | : | Mr. Standing Counsel (28)        |
| For the Mines        | : | Mr. Naresh Dikshit, Spl. PP      |
|                      |   | Mr. Brij Bihari Tiwari, Advocate |
|                      |   | Ms. Shruti Singh, Advocate       |

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

6      11-12-2025                      Heard the learned counsel for the petitioner, the  
  
learned counsel for the State and the learned Spl. PP for the  
  
Mining Department.

2. The present writ petition has been filed on behalf of  
  
the petitioner seeking the following relief(s):-

*(1) That to direct the respondent to  
not to harass the Petitioner by illegal fine  
except under Law & further direct the*



*respondent to withdraw illegal fine extracted (1) without any opportunity of Hearing (2) under pressure of arrest by way of Criminal Case & declare recovery of Rs. 15,47,550/as illegal since recovery was undertaken in ransom mode by Local authority since Collector issued Show cause on 13.12.24 asking some Lapses & before receiving the reply the Respondent registered FIR & the Petitioner's House was fenced like hardcore Criminal & compel the Petitioner to deposit Rs. 15,47,550/ as such declare recovery of Rs. 15,47,550/ from the Petitioner an illegal action, & further declares that the recovery of Rs. 15,47,550/was illegal & by excessive exercise of Power against the Provisions of Bihar minerals (concession, prevention of illegal mining, transportation & storage) rules, 2019;*

*(ii) That for issuance of appropriate writ, order or direction of writ in the nature of Certiorari quashing the Letter No. 741 Dated 19.12.24 by which fine of Rs. 13,52,166/ was imposed upon the Petitioner whereas neither any videography or CCTV footage was supplied to the Petitioner nor any other evidences were supplied with the letter similarly letter No. 733 dated 13.12.24 was issued asking reply to Show Cause & within 24 hours FIR was registered against the Petitioner without supplying CCT Footage, Videography etc. & Rs. 15,47,550/ was recovered as such a declaration be issued commanding the respondents that Recovery of Rs.15,47,550/ & the imposition of fine of Rs. 13,52,166/ is highly illegal, arbitrary & malicious exercise of Power;*

*(iii) That for issuance of appropriate writ, order or direction of writ in the nature of mandamus commanding the respondent that imposition of fine for the Sand pool outside the Leased area at Prithvichak Sand Ghat is highly illegal as*



*such a declaration be issued that realization of fine of Rs. 8,21,066/From the Petitioner is highly illegal;*

*(iv) That for issuance of appropriate writ, order or direction of writ in the nature of mandamus commanding the respondent that imposing Fine of Rs. 5,00,000/ Under 30(1) for the none production of Updated register whereas there was Computer generated records at the Sandghat as such a declaration beIssued that imposition of Fine of Rs. 5,00,000/ Under 30(1) is illegal;*

*(v) That for issuance of appropriate writ, order or direction of writ in the nature of mandamus commanding the respondent to direct the Superintendent of Police to ensure safety of sandghat by effective policing of the area instead punishing the Petitioner under estimate & presumption since & further desist from demanding any illegal financial favor with ulterior motive, for which the petitioner is being harassed;*

*(vi) That the respondent be permanently restrained from harassing the petitioner on the basis of presumption under the aforesaid circumstance & the reasons shown hereinafter.*

3. Earlier a penalty of Rs. 15,47,550/- was imposed upon the petitioner which the petitioner has already deposited. Subsequently, again a penalty of Rs. 13,52,166/- has been imposed upon the petitioner by Letter No. 741 dated 19.12.2024 which has been challenged by the petitioner.

4. The penalty order *vide* Letter No. 741 dated 19.12.2024 has been passed after giving show-cause notice *vide*



Letter No. 732/M dated 13.12.2024 to the petitioner in which the petitioner was granted time of only 24 hours to file his show cause reply. The order of penalty has been passed without hearing the petitioner.

5. The Court finds that the principles of natural justice have been violated in the present case. The petitioner ought to have been afforded an opportunity to be heard before the imposition of the penalty. Considering the law laid down by the Hon'ble Supreme Court in the case of *S.N. Mukherjee v. Union of India*, reported as (1990) 4 SCC 594 and *Kranti Associates (P) Ltd. v. Masood Ahmed Khan*, reported as (2010) 9 SCC 496, the petitioner should have been heard before passing the order imposing the penalty and the principles of natural justice should have been followed. Such omission contravenes the fundamental right of the petitioner to a fair hearing rendering the penalty order *vide* Letter No. 741/M dated 19.12.2024 unsustainable in the eyes of the law, therefore, the penalty order which was passed *vide* Letter No. 741/M dated 19.12.2024 is hereby quashed.

6. The petitioner is given liberty to file his fresh show cause reply to the show cause notice *vide* Letter No. 732/M dated 13.12.2024 within 15 days from today. After filing of the



show cause reply, the petitioner shall be heard and thereafter an appropriate order in accordance with law shall be passed by the Collector, Munger.

7. Since the earlier penalty was paid by the petitioner before filing the writ petition without any protest, therefore, this Court is not interfering with the earlier order of penalty.

8. With the aforesaid observation and direction, this application is partly allowed.

**(Sandeep Kumar, J)**

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