

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10612 of 2025

=====

Kamlesh Yadav @ Kamlesh, Son of Munshi Yadav, Resident of Village-
Lohani Bigha, P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Mines and Mineral
Department Gov.t of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Mines Officer, Mines and Mineral Department, Nawada.
4. The Officer Incharge, Kanwakol, P.S.- Nawada.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dharendra Singh, Advocate Mr. Pramod Kumar Verma, Advocate
For the Respondent/s	:	Mr. Government Pleader (27)
For the Mines	:	Mr. Naresh Dikshit, Spl. PP Mr. Brij Bihari Tiwari, Advocate Ms. Shruti Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 13-11-2025 Heard the parties.

2. This writ petition has been filed on behalf of the
petitioner seeking for the following reliefs:-

*I. For issue a writ in the nature of
Mandamus for commanding the respondents
to release the Truck bearing Registration no.
BR11GC0572 in favour of the petitioner
which has been seized bythe Kanwakol
Police, Nawada 14.04.2025 in sanha No.
597/2025;*

*II. To issue a writ/ writs, order/
orders, direction directions for commanding
the respondents authorities to release the
said Truck bearing Reg. No. BR11GC0572
which has been seized in Kauwakal Police in
Sanha No. 597/2025.*



3. Brief facts of the case are that the petitioner is the owner of the Truck bearing Registration No. BR11GC0572, Chassis No. MAT541057JIK30541 Engine No. 15BE5 91804081K63735513. Pollution Certificate was also issued of the vehicle which was valid up to 20.04.2025. The petitioner had a valid Challan which was issued on 13.04.2025 by the Mines Department, Govt. of Bihar.

4. The learned counsel for the petitioner has submitted that the penalty has been calculated only after this Court asked the Mines Department to file a counter affidavit in the case and before calculating the penalty, the petitioner has not been heard. No show cause notice has been given to the petitioner.

5. The learned counsel for the Mines Department has submitted that the Letter No. 4098 imposing penalty has been passed on 13.11.2025 but the same has wrongly been incorporated as 13.12.2025.

6. 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.

7. The Court finds that the principles of natural justice have been violated in the present case. The petitioner was neither given a show cause notice nor afforded an opportunity to be heard before the imposition of the penalty. Such omission contravenes the fundamental right of the petitioner to a fair hearing rendering the penalty order *vide* Letter No. 4098 dated 13.11.2025 (wrongly recorded as 13.12.2025) unsustainable in law.

8. Consequently, the penalty order *vide* Letter No. 4098 dated 13.11.2025 (wrongly recorded as 13.12.2025) is hereby quashed.

9. The matter is remanded back to the Mineral Development Officer, Nawada for fresh consideration in accordance with law, after providing the petitioner a reasonable opportunity to be heard.

10. The Mineral Development Officer, Nawada will pass a fresh order in accordance with law after hearing the petitioner within six weeks from the date of receipt/communication of a copy of this order.

11. So far as release of the vehicle is concerned, considering the law laid down by the Hon'ble Supreme Court in



the case of *Sunderbhai Ambalal Desai vs. State of Gujarat* reported as **2002 (10) SCC 283**, the vehicle in question bearing Registration Number BR11GC0572 shall be released by the authority concerned in favour of the petitioner after he furnishes a security of Rs. 8,40,000/- (not in the form of a Bank Guarantee) before the Authority concerned. The vehicle in question shall not be sold by the petitioner during the pendency of proceedings.

12. With the aforesaid observation and direction, this application stands allowed.

(Sandeep Kumar, J)

Shishir/-

U			
---	--	--	--

