

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12450 of 2025

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Rahul Kumar Yadav S/o Dinanath Yadav, R/o village- Birwat Ghuran, P.S.-
Uchakagaon, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Principal Secretary, Mines and Geology Department,
Government of Bihar, Patna.
2. Commissioner-Cum-Principal Secretary, Mines and Geology Department,
Government of Bihar, Patna.
3. Special Secretary-Cum-Director, Mines and Geology Department, Bihar,
Patna Bihar.
4. Assistant Director, District Mines Office, Bhojpur at Ara.
5. District Magistrate, Bhojpur at Ara.
6. Mines Inspector, District Mines Office, Bhojpur at Ara, Bihar.
7. Sub-divisional Police Officer, Ara Sadar-2, District-Bhojpur.
8. Officer in Charge Police Station- Koilwar, District-Bhojpur at Ara, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Respondent/s : Mr.Standing Counsel (25)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 30-10-2025 Heard learned counsel for the petitioner and learned

counsel for the State including the Spl. P.P. for Mines

Department Mr. Naresh Dixit.

The following prayer has been made by the petitioner
by way of this writ application:-

(i) For issuance of an appropriate writ, particularly in
the nature of certiorari, for quashing the notice contained in
Memo No. 1258 dated 26.06.2025, whereby the petitioner has
been directed to appear in Misc. (Mining) Case No. 104/2025,



issued from the Court of the Learned Collector-cum-District Magistrate, Bhojpur at Ara.

(ii) For issuance of an appropriate writ, order, or direction for quashing Misc. (Mining) Case No. 104/2025, pending before the Court of the Learned Collector-cum-District Magistrate, Bhojpur at Ara, the same being arbitrary, illegal, and initiated without due compliance with law.

(iii) For issuance of a writ of mandamus or any other appropriate writ, order, or direction, directing the respondents to release the Truck bearing Registration No. BR06GC0586 in favour of the petitioner, the same having been illegally detained without adherence to due process of law; and further direct that, in view of the complaint filed by the petitioner before the Learned Chief Judicial Magistrate, Bhojpur at Ara, the subsequent confiscation proceeding initiated by the respondents amounts to a malafide exercise of power, based on manufactured and manipulated records, only to justify the unlawful detention.

(iv) For issuance of a writ of mandamus or any other appropriate writ, order, or direction, commanding the respondents to pay adequate and just compensation to the petitioner for the financial loss and mental agony suffered due to



the illegal and arbitrary seizure of his commercial vehicle, which is his sole means of livelihood.

3. Learned counsel for the petitioner submits that the petitioner was not been heard before imposition of penalty of Rs. 9 lakhs.

4. Learned counsel for the Mining Department has not been able to deny the aforesaid fact from the counter affidavit.

5. In these circumstances, this application is allowed.

6. Accordingly, the notice contained in Memo No. 1258 dated 26.06.2025 issued from the Court of the Learned Collector-cum-District Magistrate, Bhojpur at Ara is hereby set aside and the matter is remitted back to the authorities concerned for issuance of show-cause notice to the petitioner and after the reply to the show-cause is filed, proper opportunity of personal hearing should be given to the petitioner before passing any order.

7. The aforesaid exercise must be done within 10 weeks from today subject to the co-operation of the petitioner with the respondent authorities.

8. If the petitioner furnishes a bank guarantee of Rs. 9,00,000/- before the authority concerned then the truck in question shall be released in favour of the petitioner during the



pendency of this writ application by way of interim measure.

9. It is made clear that if the truck of the petitioner is released then the same shall not be sold by the petitioner till the final disposal of this writ application.

(Sandeep Kumar, J)

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