

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12125 of 2025

1. Pappu Kumar, son of Virendra Singh, Resident of Village - Sare, P.O.- Sare, P.S.- Sare, District- Nalanda.
2. Jay Prakash Kumar, son of Mahesh Singh, resident of village - Sabalpur, P.O.- Rajgir, P.S.- Rajgir, District- Nalanda.
3. Mannu Kumar, son of Raju Gope, Resident of Village - Aragaro, P.O.- Chandwara, P.S.- Chandwara, District- Koderma (Jharkhand).
4. Saurab Suman, son of Ramdeo Prasad Sinha, Resident of Village - Tajnipur, P.S.- Bind, District- Nalanda.

... .. Petitioners

Versus

1. The State of Bihar through the Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar.
2. The Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar.
3. The Mines Inspector, District Mines Office, Patna.
4. The District Magistrate, Patna.
5. The District Magistrate, Nalanda.
6. The S.H.O., Barh Police Station, District- Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Shivam, Advocate
For the State	:	Mr. Kumar Manglam, A.C. to S.C.-24 Mr. Sudhanshu Shekhar, A.C. to S.C.-24
For the Mining Deptt.	:	Mr. Naresh Dikshit, Advocate Mr. Brij Bihari Tiwari, Advocate Ms. Shruti Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 13-11-2025 Heard learned counsel appearing for the respective parties including Mr. Dayanand Singh, learned counsel for the Cholamandalam Investment and Finance Company Limited.

2. This writ petition has been filed for a



direction upon the respondents to release the following vehicles:-

- i. *Registration no. HR 55M 7410 belonging to the petitioner no.2, seized by the order of the Mines Inspector, District Mines Office, Patna vide his order as contained in memo no.CAM 01/M dated 17.05.2025 for being over loaded with soil without permit.*
- ii. *Registration No.JH-02 BC 5471 belonging to the petitioner no.3 seized by the order of the Mines Inspector, District Mines Office, Patna vide his order as contained by memo no. CAM 01/M dated 17.05.2025 for being over loaded with soil without permit.*
- iii. *BR 27 GA 2335 belonging to the petitioner no.1 seized by the Mines Inspector, District Mines Officer, Patna vide his order as contained by memo dated 17.05.2025 for being over loaded with soil without any document or permit.*

3. Learned counsel for Mining Department has produced a letter contained in memo no.2282/M dated 13.11.2025 issued by the Mineral Development Officer, Patna, by which the penalty has been imposed against the owners of the vehicles in the following manner:-

Sl. No.	Vehicle No.	Type and quantity of Mineral	Amount of Fine
1.	HR55M-7410	Soil, 550 CFT	8,13,200/-
2.	JH02BC-5471	Soil, 550 CFT	8,13,200/-
3.	BR27GA-2335	Soil, 600 CFT	8,14,400/-

4. Learned counsel for the petitioners submits



that the petitioner nos.1 to 3 are the owner of the vehicles which have been seized whereas, petitioner no.4 is the owner of the land from where the soil was being transported. He further submits that neither the petitioners have not been given any notice nor they have not been heard before imposition of penalty.

5. Learned counsel for the Mining Department has not been able to deny this contention of learned counsel for the petitioners.

6. I have considered the submissions of the parties and perused the materials on record.

7. From the arguments of learned counsel for the parties and on perusal of the record, it appears that the petitioners were neither issued notice nor were heard before imposing the aforesaid penalty, which violates the principles of nature justice. The doctrine of *audi alteram partem* has three basic essentials. Firstly, a person against whom an order is required to be passed or whose rights are likely to be affected adversely, must be granted an opportunity of being heard. Secondly, the authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or



speaking order.

8. Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of *S.N. Mukherjee vs. Union of India* reported as (1990) 4 SCC 594 and in the case of *Kranti Associates (P) Limited vs. Masood Ahmed Khan* reported as (2010) 9 SCC 496, the penalty imposed upon the petitioners without issuing show-cause notice and not affording them an opportunity of hearing cannot be sustained.

9. Accordingly, the penalty order contained in memo no.2282/M dated 13.11.2025 issued by the Mineral Development Officer, Patna, is hereby set aside. The matter is remanded back to the Mineral Development Officer, Patna with a direction that he will issue proper show-cause notice to the petitioners and after hearing them, he will pass a fresh reasoned order. While passing the order, the Mineral Development Officer, Patna will consider all the defence raised by the petitioners before him including the fact that the transport of the sand was from the *raiya* land of the petitioner no.4.

10. Considering the fact that no fruitful purpose will be served in keeping the vehicles of the petitioners seized and also the law laid down by the Hon'ble Supreme Court in the



case of *Sunderbhai Ambalal Desai vs. State of Gujrat* reported as *2002 (10) SCC 283* and the decision of the Division Bench of this Court in *L.P.A. No.1637 of 2015 (Baleshwar Roy vs. The State of Bihar & Ors.)*, the vehicle / truck of the petitioners bearing registration Nos. HR 55M-7410; JH02BC-5471 and BR27GA-2335 be released in favour of the petitioner nos. 1 to 3, subject to the following conditions:-

- i. *The petitioner no.1 shall furnish a security of Rs.8,14,000/- (not in the form of bank guarantee), petitioner nos. 2 and 3 shall furnish a security of Rs.8,13,000/- each (not in the form of bank guarantee) before the concerned / competent authority before whom the confiscation proceeding is pending.*
- ii. *The petitioners shall furnish all the necessary papers / documents of ownership of their respective vehicles before the concerned / competent authority.*
- iii. *The petitioners shall undertake, in writing, that the vehicle(s), in question, shall neither be alienated nor be transferred/sold in favour of any third party during the pendency of the confiscation proceeding and that the vehicles / trucks in question shall be produced as and when called upon or required in the proceeding or otherwise.*
- iv. *If any jurisdictional objection is taken by the petitioners, that shall also be considered by the authority concerned. The petitioners will also cooperate with*



the authorities till the final disposal of the proceeding.

11. With the aforesaid observations and directions, this writ petition is allowed.

12. The letter contained in memo no.2282/M dated 13.11.2025 produced by the learned counsel for the Mining Department is taken on record.

(Sandeep Kumar, J)

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