

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12432 of 2024

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Sharda Gupta W/o Dinanath Gupta, Resident of Village-168, B.T. Road, Police Station- Baranagar, District-Kolkata, West Bengal through Power of Attorney Holder, Upendra Sah, Gender-Male, aged about 31 years, son of Kishori Sah, residence of Village- Paharpur, Police Station- Sadarpur, District- Siwan, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Department of Home Affairs, Government of Bihar, Patna.
2. The Chief Secretary, Department of Mines and Minerals, Government of Bihar at Patna.
3. District Magistrate, District-Bhojpur at Ara.
4. The Superintendent of Police, District-Bhojpur at Ara.
5. The Mining Officer, District-Bhojpur at Ara.
6. The Officer in Charge of Sandesh Police Station, District-Bhojpur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Niraj Kumar Singh, Advocate
For the Mines Deptt.	:	Mr. Naresh Dikshit, Spl. P.P.
For the Respondent	:	Mr. Standing Counsel (11)

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-01-2025 Heard the learned counsel for the petitioner, Mr. Naresh Dikshit, the learned counsel appearing on behalf of Mines Department and the learned counsel appearing on behalf of the State.

2. Pursuant to the direction of this Hon’ble Court dated 09.01.2025, the Mining Officer, Bhojpur at Ara (respondent no. 5) is personally present before this Hon’ble Court and informs this Hon’ble Court that he has filed a supplementary affidavit.



3. Learned counsel for the petitioner submits that petitioner had valid challan for transporting sand up to 466.75 CFT and the challan expired on 21.03.2024 and as per seizure list, the petitioner's truck in question was seized on 22.03.2024. Learned counsel for the petitioner has annexed the GPS track data, which suggests that there was no movement of truck on 22.03.2024 and in fact, the truck in question was seized on 20.03.2024.

4. Learned counsel for the Mines Department outrightly submits that the petitioner may manipulate the GPS track and in fact, the truck in question was seized on 22.08.2024 and it was found that the quantity of sand was found to be 567.9 CFT in place of 466.75 CFT and for that, the petitioner is liable to pay for the overloading.

5. Learned counsel for the petitioner submits that the truck in question was not weighed in presence of the petitioner.

6. In the aforesaid background, the seizure list dated 22.03.2024 is set aside and the matter is remanded back to the respondent no. 5 (Mining Officer, Bhojpur at Ara).

7. Respondent no. 5 (Mining Officer, Bhojpur at Ara) is directed to measure the truck in question in the presence of the petitioner and if it is found that the truck is overloaded, the



petitioner is entitled to pay the extra charges as per rule.

8. Petitioner is directed to be present before the respondent no. 5 (Mining Officer, Bhojpur at Ara) on Monday, i.e. on 20.01.2024.

9. Personal appearance of Mining Officer, Bhojpur at Ara (respondent no. 5) is dispensed with.

10. With the aforesaid direction, the present writ petition stands disposed of.

(Rajesh Kumar Verma, J)

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