

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13497 of 2025

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Yugeshwar Mehta @ Yugeshwar Mehra Son of Laddu Mehta, Resident of
Village- Bigha, House No.-79, Post- Phulwariya, P.S- Markacho, District-
Koderma, (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director, Mines and Geology Department, Government of Bihar, Patna.
3. The District Magistrate, Nawada, Bihar.
4. The Superintendent of Police, Nawada.
5. The Mines Inspector, Mines and Geology Department, Nawada, Bihar.
6. The S.H.O. Muffasil Police Station, Nawada, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the State	:	Mr. Ravi Kumar, AC to GP 13
		Mr. Akshay Lal Prasad, AC to GP-13
For the Mining Dept.	:	Mr. Naresh Dikshit, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 03-11-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has moved the Court for the
following reliefs:

*“(i) For issuing a writ of Certiorari or
any other appropriate writ quashing the illegal
seizure of the Vehicle of the petitioner bearing
registration number-JH12D-9432 which has been
illegally seized on 20/03/2025 by the respondents
and no document regarding aforesaid seizure has
been provided.*

(ii) For issuance of a writ of Mandamus



directing the immediate release of the seized vehicle without following due process law.

(iii) For directing an independent inquiry of the illegal and coercive actions of the police officials of Mufassil Police Station, Nawada as well as officials of the Mining department, Nawada.”

3. In the counter affidavit, it has come that the petitioner has been imposed penalty of Rs. 8,67,469/- for illegal transportation of stone chips.

4. Learned counsel for the petitioner submits that this penalty has been imposed without issuing any show cause notice and without hearing the petitioner.

5. Learned counsel for the Mining Department has relied upon his counter affidavit but has not been able to show any material to support as to whether the petitioner was issued any show cause notice or was heard in the matter.

6. The imposition of penalty without hearing the petitioner cannot be sustained since it violates principles of natural justice.

7. The impugned penalty is set aside/ quashed with liberty to the Mining Department to proceed against the petitioner, in accordance with law after giving proper show cause and personal hearing to the petitioner.

8. Since no fruitful purpose will be served in keeping



the vehicle seized, therefore, considering 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**, during pendency of the matter before the Mining Officer, the vehicle in question bearing registration number-JH12D-9432 shall be released in favour of the petitioner with the following conditions:

(i) The petitioner shall furnish all the necessary papers/documents of ownership and security bonds (not bank guarantee) as may be deemed fit and proper by the concerned/competent authority.

(ii) The petitioner shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred/sole in favour of any third party during the pendency of the proceeding and that the vehicles, in question, shall be produced as and when called upon or required in the proceeding or otherwise.

(iii). If any jurisdictional objection is taken by the petitioner that shall also be considered by the authority concerned. The petitioner will also co-operate with the authorities till disposal.

9. The Mining Officer will proceed against the petitioner expeditiously and the petitioner will co-operate in the proceedings before the Mining Officer. If the petitioner does not co-operate with the Mining Department, the Mining Department will proceed *ex parte* against the petitioner.

10. This writ petition is disposed of with the aforesaid



directions.

(Sandeep Kumar, J)

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