

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15469 of 2025

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Uday Singh @ Uday Kumar Singh Son of Maksudan Singh, R/o Kavandiya,
Bahrar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The District Magistrate, Rohtas, Sasaram.
3. The Mineral Development Officer, Rohtas, Sasaram.
4. The Officer In Charge, Indrapuri Police Station, Rohtas, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Singh, Advocate
For the Respondent/s : Mr.Standing Counsel (16)

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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:

*“For issuance of writ in the nature of
"Mandamus" upon the concerned respondents to
release the seized 12-wheeler highwa/truck of the
petitioner bearing registration number UP66T-
7590 which has been illegally seized on
30.04.2025 in Indrapuri P.S. Case no. 62/2025
on the ground of "illegal Mining".*

*ii. For issuance of Writ in the nature
"Mandamus" commanding the respondents not to
take coercive steps against the petitioner in*



pursuance of Indrapuri P.S. Case No.62 of 2025 which was registered on 30.04.2025 under Section 303 (2), 317 (2) of the B.N.S.

iii. For direction to the Respondent authorities to pay compensation to the Petitioner for illegal confinement of his commercial vehicle.”

3. In the counter affidavit, it has come that the petitioner has been imposed penalty of Rs. 9,06,250/- for illegal transportation of yellow sand.

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 UP66T-7590 shall be released in favour of the petitioner with the following conditions:

(i) The petitioner shall furnish a security of Rs. 9 lakhs before the concerned/competent authority before whom the confiscation proceeding is pending.

(ii) The petitioner shall furnish all the necessary papers/documents of ownership before the concerned competent authority.

(iii) The petitioner shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred 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.

(iv). 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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