

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16950 of 2024

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Pappu Alam Son of Hashmuddin, Resident of Village- Jawkatia Manjhauriya,
P.S.- Manjhauriya, District- West Champaran, Bihar.

... .. Petitioner

Versus

1. The State of Bihar, through Secretary, Department of Mines and Geology, Patna, Bihar.
2. The Collector-cum-District Magistrate, West Champaran, Bettiah.
3. The Assistant Director, District Mining Office, Jamui.
4. The Mining Inspector, District Mining Office, Jamui.
5. The District Transport Officer, Jamui.
6. The Superintendent of Police, Jamui.
7. The Officer-in-Charge, Sono.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Pankaj, Advocate
For the Mines Deptt.	:	Mr. Naresh Dikshit, Advocate
For the Respondent/s	:	Mr. Standing Counsel 11

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-01-2025 Heard the learned counsel for the petitioner, the learned counsel appearing on behalf of Mines Department and the learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for the following reliefs:

“(a) To issue writ order / direction in the nature of writ of Mandamus or any other appropriate writ order commanding the respondent no. 2 to 6 for direction to release the truck bearing registration no. BR-06-GD-2762 seized on 20.09.2024, seized by respondent no. 4 near Dumri checkpoint, in favour of the petitioner.

(b) To issue writ order / direction in the nature of writ



of Certiorary to set aside letter No. 1123 dated 05.10.2024 issued by respondent no. 3 whereby, petitioner has been directed to pay the summoning fees & the mineral value of the aforesaid seized vehicle.

(c) To issue writ order / direction in the nature of writ of Certiorary to set aside the E – Challan bearing GRN – BHR20241000291723M for amount of Rs. 12,81,196/- (Rupees twelve lakhs eighty-one thousand one hundred and ninety-six only).

(d). To issue writ order / direction in the nature of writ of Mandamus or any other appropriate writ order commanding respondent no. 2 to 6 for direction for conditional release of the aforesaid truck bearing registration no. BR-06-GD-2762 during the pendency of the present writ application.”

3. Learned counsel for the Mines Department has filed a counter-affidavit stating therein that the impugned order dated 05.10.2024 is appealable and the petitioner may file an statutory appeal before the authority concerned.

4. Learned counsel for the petitioner submits that the present case may be disposed of with a liberty to the petitioner to agitate all the issues before the appellate authority, which he has raised in the present writ petition.

5. If the petitioner has filed the statutory appeal within a period of two weeks, the appellate authority, i.e., respondent no. 2 (Collector-cum-District Magistrate, West Champaran, Bettiah) is directed to dispose of the statutory appeal of the petitioner within a period of two months after



hearing all the concerned and pass a reasoned order in accordance with law.

6. Accordingly, with the aforesaid liberty, the present writ petition stands disposed of.

(Rajesh Kumar Verma, J)

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