

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.401 of 2026

Binod Kumar Mehta Son of Shivnarayan Mehta, R/o Lengra Pipar, Post-Domchanch, P.O.-Domchanch, P.S. and Dist.-Koderma, Jharkhand-825407.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Director, Department of Mines and Geology, Government of Bihar, Patna.
3. The District Magistrate, Nawada.
4. The Mineral Development Officer, District Mining Office, Nawada.
5. The Officer in Charge, Rajauli Police Station, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate Mr.Rajnikant, Advocate
For the Respondent/s	:	Mr.Government Pleader (14)
For the Mines	:	Mr. Naresh Dikshit, Spl. P.P. Ms. Shruti Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-02-2026 Heard the parties.

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

“ i. For issuance of writ in the nature of Certiorari or any other appropriate writ for quashing the illegal seizure of the vehicle of the petitioner bearing registration no. JH12L3336, which has been illegally seized on 02.09.2025 (Annexure-P/3) by the Respondents despite having the valid challan and without granting any opportunity of hearing.

ii. For issuance of a writ in the nature of Certiorari or any other appropriate writ, order or direction quashing and setting aside Letter No. 5781 dated 09.12.2025 and Letter No. 5782 dated 09.12.2025 (Annexure-P/4 series), issued by the



Mineral Development Officer, District Mining Office, Nawada (Respondent no. 4), whereby an alleged demand/penalty amount of Rs.8,84,575/- has been illegally imposed upon the Petitioner without issuance of any show-cause notice, without initiation of adjudicatory proceedings, and in gross violation of the principles of natural justice.

iii. For issuance of a writ, order or direction restraining the Respondents from taking any coercive or recovery action against the Petitioner pursuant to or in furtherance of the aforesaid impugned Letters No. 5781 and 5782 dated 09.12.2025 during the pendency of the present writ application.

iv. For issuance of writ in the nature of Mandamus directing the Respondents to immediately release the seized vehicle of the Petitioner bearing Registration No. JH-12-L-3336, which has been seized and detained in violation of due process of law.”

3. Learned counsel for the petitioner submits that the penalty has been imposed upon the petitioner without affording an opportunity of hearing and subsequent thereto a show cause notice was issued to him.

4. Per contra, learned counsel for the State submits that a show cause notice was issued to the petitioner in due compliance of the principles of natural justice and therefore the impugned order suffers from no illegality and infirmity.

5. From the perusal of the impugned order of penalty dated 09.12.2025 as well as the show cause notice of even dated, it is clear that the respondent authorities had imposed the



penalty upon the petitioner and therefore subsequently as an afterthought issued a show cause notice. From the perusal of the impugned order and the show cause notice, it is clear that the respondent authorities had already made up their mind with regard to imposition of penalty upon the petitioner and have merely resorted to giving a post decisional hearing. *Ex-post facto* issuance of show cause does not satisfy the requirements of principles of natural justice and is therefore unsustainable in the eyes of law.

6. Accordingly, the impugned order dated 09.12.2025 is quashed and set aside. The matter is remitted back to the respondent authorities for fresh consideration after affording a reasonable opportunity of hearing to the petitioner and thereafter passing a speaking order, in accordance with law.

7. 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 Gujarat*** reported as ***2002 (10) SCC 283***, during pendency of the matter before the concerned authority, the vehicle in question bearing registration number JH-12-L-3336 shall be released in favour of the petitioner by way of interim relief with the following conditions:



- i. The petitioner shall furnish a security of rupees fifteen lakhs (not in the form of bank guarantee or fixed deposit) before the concerned/competent authority at the time of release of the vehicle in question.*
- 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/sold in favour of any third party during the pendency of the proceeding and that the truck 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 cooperate with the authorities till the final disposal of the proceeding.*

8. With the aforesaid observations and direction, this



petition is allowed to the above extent.

(Sandeep Kumar, J)

P. Kumar

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