

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3590 of 2026

=====

Bhola Yadav Son of Krishna Yadav, Resident of Village- Rahilapar, Police Station- Bhagwanganj, Sub-Division, Masaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Mining Development Officer, Patna.
4. The Mines Inspector, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Suresh Kumar, Advocate
For the Respondent/s	:	Mr.Sunil Kumar Mandal, AC to SC-3
For the Mines	:	Mr. Naresh Dixit, Sp.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-04-2026 Heard Mr.Suresh Kumar, learned counsel for the
petitioner and the State.

2. The present petition has been preferred for the
following relief/s:

*(i) to issue an appropriate writ, order or
direction in the nature of MANDAMUS
commanding the concerned respondents to
release the Tractor of the petitioner bearing
Registration no. BR25G-7532, which has
been illegally and unauthorizedly seized by
the Respondent no.4 on 08.09.2025 on the
false allegation of being overloaded with*



yellow sand;

(ii) to issue an appropriate writ, order, direction in the nature of Certiorari for quashing the letter no.2706/M dated 18.12.2025 issued under the signature of Mining Development Officer, Patna(Respondent no.3) whereby and whereunder the Respondent no.3 has asked the petitioner to deposit Rs. 1,13,313(Rupees One Lakh Thirteen Thousand Three Hundred Thirteen)only penalty and value of the mineral;

iii) to issue an appropriate writ, order or direction in of Mandamus directing the Respondents to provide adequate compensation for the losses suffered by the petitioner on account of illegal seizure of the aforesaid Tractor of the petitioner;

(iv) to issue an order or direction to the Respondents to pay the cost of litigation incurred in filing of the present writ application to the petitioner;



(v) oo issue an appropriate writ, order and direction in the nature of Mandamus for provisional release of the tractor of the petitioner alongwith its trailor loaded with sand during pendency of the writ application;

(vi) to grant any other relief or reliefs which the petitioner may be found entitled to in the facts and circumstances of the case.

3. The matter relates to release of a tractor having registration no. BR25G-7532 which was intercepted/seized by the Mining Inspector, Patna on the ground of overloading.

4. The submission is that he shall be agitating the matter in an appropriate proceeding but keeping the tractor seized under an open sky will serve no purpose and he is ready to pay the fine amount of Rs.1,13,313/- but being a poor person, the submission is that it may be bifurcated in two parts inasmuch as:

(i) Rs.63,313/- through Demand Draft issued by the local branch of the State Bank of India at the time of



release of the tractor;

*(ii) Rs.50,000/- by way of same
Demand Draft within a period of
four weeks;*

*(iii) failure to pay Rs.50,000/-, the
authority shall be free to take
immediate steps for seizure of the
tractor.*

5. Learned counsel representing the Mines Department do not object to it and rightly so as keeping the truck under an open sky till the proceeding is over is not going to benefit anyone.

7. In that background and in view of the limited prayer put forward by the petitioner through its learned counsel, the writ petition is disposed of directing the respondents to release the truck, if the conditions undertaken (as recorded in paragraph-4) is fulfilled.

(Rajiv Roy, J)

Ravi/-

U			
---	--	--	--

