

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8831 of 2026

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Ankit Kumar Son of Manoj Singh, Resident of village and P.O.- Lodipur,
P.S.- Manpur, District- Gaya, State- Bihar, Pin Code- 823003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Mines Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
3. The Director, Mines and Geology, Government of Bihar, Patna.
4. The District Mining Officer, Jehanabad, Bihar.
5. The Mining Inspector, Jehanabad, Bihar.
6. The Mineral Development Officer, Jehanabad.
7. Rajendra and Sons Infra Pvt. Ltd., through its Director/Authorized Person, registered office located at 15, Mother Teresa Marg North S.K. Puri, District- Patna, Bihar, 800013, Authorized Mining Sandghat operation located at Block 25, Morhar- 11, at village- Usewa, Panchayat- Belauti, Police Station- Gurua, District- Gaya Bihar, (GST No. 10AAHCR9065Q1ZT).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sharma, Advocate
For the Respondent/s : Mr.Standing Counsel (08)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2026 Learned counsel for the petitioner prays for and is

allowed to implead the Collector, Jehanabad as respondent

no.08 in course of the day.

2. Heard the parties.

3. The present petition has been preferred for the
following relief(s):

*(i) for issue a Writ of mandamus or any
other appropriate Writ/Writs, Order Order, or*



direction/ directions to set aside imposition of the penalty of Rs. 8,36,000/ through issuance of Seizure Letter 08-03-2026 (Annexure without speaking order imposed under Rule 56(2) of the Bihar Minerals (Concession Prevention of legal Mining, Transportation & Storage) Rules, 2024, which was paid by petitioner under protest through E Challan (BTC-4) dated 09-03-2026 GRN No. BHR20260309142222047759M, being arbitrary, illegal, and without jurisdiction despite the fact that the Petitioner had paid full and complete royalty for the actual quantity of mineral transported, and the discrepancy in the challan arose solely on account of a clerical/software error committed by the departmental operator;

(ii) for issue a Writ of Mandamus or any other appropriate Writ Writs, Order Order, or direction/ directions, directing the Respondents to refund the penalty amount of Rs. 8,36,000/- paid under duress and protest by the Petitioner, along with interest at the rate of 9% per annum from the date of payment till the date of refund;

(iii) for Issue a Writ of Mandamus or any



other appropriate Writ Writs, Order Order, or direction/ directions, directing Respondents to correct the departmental records contained in Seizure Letter 08-03-2026 (Annexure-P/3) to reflect the actual wheel configuration of the vehicle (18-wheeler, not 22-wheeler) and to take appropriate disciplinary action against the officer responsible for the said erroneous recording;

(iv) and for any other reliefs/reliefs for which the petitioners are

4. The claim of the petitioner with the help of paragraph-14 is that it was illegal incorporation of the weight by the respondent no.07 which led to the seizure of the vehicle and realizing the mistake on 11.03.2026 itself, the respondent no.07 transferred Rs. five lakhs to the petitioner's account.

5. A counter affidavit has come on behalf of the Mineral Development Officer, District Mining Office, Jehanabad and with the help of paragraph-26, learned State counsel submits that the internal transaction between the private parties cannot be a ground to stamp the illegality and the vehicle when intercepted was found to be overloaded.

6. Further, with the help of paragraph-28 the submission is that the appeal remedy is available before the petitioner.



7. This Court is of the view that there is dispute on the loading/unloading/the materials that was earlier put on weight but later, was found to be overloaded. These facts can very well adjudicated as and when the petitioner prefers an appeal before the appellate authority.

8. Needless to add, if any appeal is filed on the allegation made by the petitioner, the respondent no.07, Rajendra and Sons Infra Pvt. Ltd., Patna be also heard.

9. Let the petitioner prefers an appeal before the appellate authority within a period of four weeks. The appellate authority shall be disposing of the appeal within a period of three months.

10. The writ petition is disposed of.

(Rajiv Roy, J)

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