

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9022 of 2026

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Sarfaraz Hasan Son of Md. Hassan, resident of Village- Dangraha, P.S.- Baisi,
District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Mines and Geology, Bihar, Patna.
2. The Collector-cum-District Magistrate, Katihar, District- Katihar.
3. The District Mining Officer, Katihar, Department of Mines and Geology, District- Katihar.
4. The Mineral Development Officer, Department of Mines and Geology, Katihar.
5. The S.H.O., Telta Police Station, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Virendra Kuar, Advocate
For the State	:	Mr. Ramdhar Singh, GP-25
For the Mines Dept.	:	Mr. Naresh Dikshit, Spl. PP Mines
	:	Ms. Shruti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-07-2026 Heard Mr. Virendra Kuar, learned counsel for the

petitioner and learned State counsel as also Ms. Shruti Singh,

learned counsel representing the Mines Department.

2. The present petition has been preferred for the
grant of following relief(s):

*(i) for issuance of an appropriate
writ/direction to the respondents for release the
JCB bearing Reg. No. BR-11GD-6796, Chasis
No. HAR3DXSUE03016601 in favour of the
petitioner as same has been seized under illegal*



manner on 03.01.2025 although the vehicle of the petitioner was not used in illegal mining and same is standing in the open sky in the Campus of Telta Police Station and detoriating its value every day.

(ii) for issuance of an appropriate writ in the nature of certiorari for quashing of Gyapank-Camp 02/M dated 03.01.2025 issued under the signature of Mining Inspector, District Mining Office, Katihar by which penalty of Rs.10,00000/- (Ten Lacs) awarded against the petitioner and in case of non-payment of penalty amount the proceeding of contention will be started as the penalty order has been passed without hearing the petitioner as same is ex-parte order.

3. The vehicle of the petitioner having Registration No.BR-11GD-6796 stands seized by the officials of the District Mining Office, Katihar and the notice dated 03.01.2025 have been issued to pay Rupees Ten Lakhs.

4. Further, the office the Collector, Katihar vide Memo No. 1116 dated 02.06.2025 in Mines (Vehicle Seizure



Case No. 76 of 2025-26) issued notice to the petitioner on 02.06.2025 to appear and answer why the vehicle be not seized.

5. Learned counsel for the petitioner submits that he has been suitably replied on 25.07.2025 (Annexure P/3 to the writ petition) but the Collector, Katihar has not taken the matter to its logical conclusion and the result is that his vehicle is lying under the sky and is getting deteriorated day by day.

6. Learned State counsel submits that if not taken, the Collector, Katihar shall be taking the matter to its logical conclusion within two months.

7. In that background, the writ petition is disposed of directing the Collector, Katihar (respondent no.2) to look into the matter and after noticing/hearing to the petitioner as also the other stakeholders shall be passing the order within a period two months from the date the copy of the order is handed over to his/her office.

8. The writ petition is disposed of with aforesaid observation.

(Rajiv Roy, J)

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