

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18425 of 2024

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Rajesh Kumar Son of Sri Ram Babu Singh, Resident of Mohalla- Ambedkar
Vidyala Tola, P.O. and P.S.- Birpur, District- Begusarai, Pin- 851127.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary- cum- Mines
Commissioner, Mines and Geology Department, Bihar, Patna-15.
2. The Principal Secretary-cum- Mines Commissioner, Mines and Geology
Department, Bihar, Patna-15.
3. The District Mining Officer, Mines and Geology Department, Begusarai.
4. The Mineral Development Officer, Mines and Geology Department,
Begusarai.
5. The Mines Inspector, Mines and Geology Department, Begusarai.
6. The District Magistrate, Begusarai.
7. The Officer-In-Charge, Manjhaul Police Station, District - Begusarai.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Manish Sahay, Adocate
For the Respondent/s	:	Mr. Sajid Salim Khan, Standing Counsel (25)
For the Mines Dept.	:	Mr. Naresh Dixit, Spl. P.P., Mines.
		Mr. Brij Bihari Tiwari, Advocate
		Ms. Shruti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
CAV JUDGMENT

Date : 15-05-2026

By way of this writ petition, the petitioner has
prayed for the following reliefs:-

*“i. For commanding and directing the
concerned respondents to release the
vehicles of the petitioner with immediate*



effect bearing its number Truck / Hywa No.BR09GB – 6708 and BR09GB-6709 which was seized in most arbitrary manner and without giving any receipt of such seizure.

ii. For commanding and directing the concerned respondents to take appropriate steps against those officers, who have done such type of illegal act.

iii. For passing such an order or orders in favour of the petitioner in the facts and circumstances of this case.

2. During the pendency of this case, the petitioner has filed an interlocutory application viz. I.A. No.01 of 2025 for amending the prayer portion of the main writ petition, which was allowed vide order dated 18.03.2025 and the following additional prayer stood incorporated in the main writ petition:-

“iv. For quashing of letter no.1005 dated 21.11.2024, as contained in Annexure-P/9 of this petition, whereby and whereunder the In-charge Mineral Development Officer, Begusarai has passed recovery order of penalty for a tune of Rs.16,95,626/- from the petitioner alleging illegal procurement of minor minerals.

3. It is the case of the petitioner that he is a registered Government Contractor for several departments of the Government of Bihar. The petitioner was allotted a work for



repair of six roads with the mandate of five years maintenance under the New Maintenance Policy, 2018 and thereafter an agreement was entered into between the parties. According to the petitioner, for construction/repair of said roads, he had to use stone materials after transporting the same by rail racks, for which the petitioner had purchased the stone chips from valid supplier i.e. M/s. Dinesh Yadav. The Executive Engineer, Rural Works Department, Works Division, Manjhaul, Bakhri vide his letter dated 12.09.2024 allowed the petitioner to execute the work by transporting stone chips through his vehicles. It is also the case of the petitioner that in the letter dated 12.09.2024, it has clearly been stated that the work has been allotted to the petitioner under the agreement and he had to complete the same on or before 13.12.2024 and further the petitioner had stacked the stone chips at his concrete batching plot which was situated at IOC road as no sufficient space was available at the work site.

4. Further, it is the case of the petitioner that all of a sudden the vehicles of the petitioner loaded with stone chips have been seized by the Mines Inspector on the ground that the petitioner had violated the Bihar Mineral Prevention of Illegal Mining, Transportation and Storage Rules-2019 and thereafter, he sent the vehicles of the petitioner to the Majhaul



Police Station within the district of Begusarai.

5. It is also the case of the petitioner that he, vide his representation dated 18.10.2024, requested the District Magistrate, Begusarai to release his vehicles as he has not violated the aforesaid Rules, as alleged. According to the petitioner, vide letter dated 28.10.2024, the Officer-In-Charge of District Confidential Section, Begusarai directed the Officer-In-Charge, Legal Section, Begusarai and the District Mining Officer, Begusarai for taking necessary steps upon the representation of the petitioner regarding the release of his vehicles but no action was taken which compelled the petitioner to file the present writ petition. It is also the case of the petitioner that during the pendency of this writ petition, the Mineral Development Officer, Begusarai has passed the order of penalty to the tune of Rs. 16,95,626/- against the petitioner which has been challenged by the petitioner by way of filing an interlocutory application.

6. Adverting to the annexure P/2 Series, which are photocopies of the invoices and the transporting *challans* in prescribed Form-D as well as electronically transmitted Railway Receipts, learned counsel for the petitioner submits that the stone chips were being transported by the petitioner under a



valid *challan* for the purpose of government work, however, the Mining Inspector, Begusarai, without appreciating the documents produced by the petitioner, has proceed to seize the vehicles.

7. Learned counsel for the petitioner has particularly emphasized that during the pendency of the present writ, while this Court was in *seisin* of the matter, the Mineral Development Officer, Mines and Geology Department, Begusarai, without affording any opportunity of hearing and in complete violation of the principles of natural justice, has proceeded to impose penalty upon the petitioner vide impugned order dated 21.11.2024.

8. *Per contra*, learned counsel for the respondent nos. 3 to 6 has submitted that during an inspection conducted by the competent authority, the vehicles of the petitioner were intercepted while transporting stone chips and were seized as no valid transit challan was produced by the driver of the trucks in question. He further submits that the seizure was carried out strictly in accordance with the statutory procedure.

9. Learned counsel for the answering respondents further submits that vide letter dated 21.11.2024,



the compounding penalty of Rs. 16,95,626/- was imposed upon the petitioner in accordance with law.

10. It has further been submitted that in the present case, upon seizure of the vehicles and issuance of compounding notice under Rule 56, the petitioner had the option either to avail compounding by depositing the prescribed amount or to challenge the action before the competent authority in accordance with the procedure prescribed under the Rules but instead of availing such statutory remedy, the petitioner has directly invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution.

11. In support of the submission, learned counsel for the respondent has relied upon the decision of the Hon'ble Supreme Court in the case of ***Rikhab Chand Jain Vs. Union of India*** reported as ***2025 SCC OnLine SC 2510***.

12. It has further been submitted that Rule 43 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 clearly mandates that no person shall transport any mineral except under a valid transit *challan* generated in accordance with the prescribed procedure but in the present case, at the time of interception on 17.10.2024, the drivers of the vehicles failed to produce any



valid transit *challan* or statutory authorization permitting transportation of stone chips. Therefore, the vehicles of the petitioner have rightly been seized.

13. Learned counsel for the respondents further submits that the questions whether the mineral was covered under a valid license, duly entered in the prescribed register, transported through e-challan system and sourced lawfully are disputed questions of fact requiring verification of records and regulatory compliance under the 2019 Rules. It is well settled that disputed questions of fact involving evidentiary examination cannot be adjudicated in writ jurisdiction under Article 226.

14. Lastly, it has been submitted that the seizure of the vehicles of the petitioner was lawful and therefore, this writ petition deserves to be dismissed.

15. I have heard the learned counsel for the petitioner as well as learned counsel for the State and have carefully perused the records of the case.

16. This Court vide order dated 13.11.2025, has released the vehicles of the petitioner with certain conditions.

17. During the pendency of the present writ petition, while this Court was in *seisin* with the matter, the



Mineral Development Officer, Mines and Geology Department, Begusarai has proceeded to impose a penalty of Rs.16,95,626/- upon the petitioner for his seized vehicles, however, pertinently before imposing such a penalty the concerned authority did not issue any show-cause to the petitioner and the petitioner was never heard.

18. It would be apposite to refer to a decision of the Hon'ble Supreme Court in the case of ***Krishnadatt Awasthy vs. State of M.P. & Ors.***, reported as ***(2025) 7 SCC 545*** wherein the Hon'ble Supreme Court has emphasized on the imperativeness of principles of natural justice, particularly, before an administrative authority acting as a *quasi judicial* function and has held as under:-

“43. *The opportunity of hearing is considered so fundamental to any civilised legal system that the courts have read the principles of natural justice into an enactment to save it from being declared unconstitutional on procedural grounds [Olga Tellis v. Bombay Municipal Corpn., (1985) 3 SCC 545].*

44. *It has been argued before us that if the failure to provide hearing does not cause prejudice, observing the principle of natural justice may not be necessary. In this context, a three-Judge Bench of this Court in S.L. Kapoor v. Jagmohan [S.L. Kapoor v. Jagmohan, (1980) 4 SCC 379]*



speaking through Chinappa Reddy, J. considered such arguments to be “pernicious” and held that “[t]he non-observance of natural justice is itself prejudice to any man and proof of prejudice independently of proof of denial of natural justice is unnecessary”. The Supreme Court, however, has drawn out an exception where “on the admitted or indisputable facts only one conclusion is possible, and under the law only one penalty is permissible, then the Court may not compel the observance of natural justice” [Swadeshi Cotton Mills v. Union of India, (1981) 1 SCC 664 : (1981) 51 Comp Cas 210; Aligarh Muslim University v. Mansoor Ali Khan, (2000) 7 SCC 529 : 2000 SCC (L&S) 965].

45. Professor I.P. Massey [I.P. Massey, *Administrative Law* (8th Edn., 2012).] has commented on this shift as under:

“Before the decision of the highest Court in *S.L. Kapoor v. Jagmohan* [*S.L. Kapoor v. Jagmohan*, (1980) 4 SCC 379], the rule was that the principles of natural justice shall apply only when an administrative action has caused some prejudice to the person, meaning thereby that he must have suffered some “civil consequences”. Therefore, the person had to show something extra in order to prove “prejudice” or civil consequences. This approach had stultified the growth of administrative law within an area of



highly practical significance. It is gratifying that in Jagmohan [S.L. Kapoor v. Jagmohan, (1980) 4 SCC 379], the Court took a bold step in holding that a separate showing of prejudice is not necessary. The non-observance of natural justice is in itself prejudice caused. However, merely because facts are admitted or are undisputable it does not follow that the principles of natural justice need not be observed.”

46. *In State Bank of Patiala v. S.K. Sharma [State Bank of Patiala v. S.K. Sharma, (1996) 3 SCC 364 : 1996 SCC (L&S) 717], the Supreme Court observed that where an enquiry is not convened by any statutory provision and the only obligation of the administrative authority is to observe the principles of natural justice, the court/tribunal should make a distinction between a total violation of the rule of fair hearing and violation of the facet of that rule. In other words, a distinction must be made between “no opportunity” or “no adequate opportunity”. In the case of the former, the order passed would undoubtedly be invalid and the authority may be asked to conduct proceedings afresh according to the rule of fair hearing. But in the latter case, the effect of violation of a facet of the rule of fair hearing has to be examined from the standpoint of prejudice.*

47. *In Dharampal Satyapal Ltd. v. CCE*



[Dharampal Satyapal Ltd. v. CCE, (2015) 8 SCC 519 : (2015) 33 GSTR 1], this Court dealt with the prejudice question as under: (SCC p. 540, para 42)

“42. So far so good. However, an important question posed by Mr Sorabjee is as to whether it is open to the authority, which has to take a decision, to dispense with the requirement of the principles of natural justice on the ground that affording such an opportunity will not make any difference? To put it otherwise, can the administrative authority dispense with the requirement of issuing notice by itself deciding that no prejudice will be caused to the person against whom the action is contemplated? Answer has to be in the negative. It is not permissible for the authority to jump over the compliance of the principles of natural justice on the ground that even if hearing had been provided it would have served no useful purpose. The opportunity of hearing will serve the purpose or not has to be considered at a later stage and such things cannot be presumed by the authority. This was so held by the English Court way back in the year 1943 in General Medical Council v. Spackman [1943 AC 627 (HL)]. This Court also spoke in the same language in Board of



High School & Intermediate Education, U.P. v. Chitra Srivastava [Board of High School & Intermediate Education, U.P. v. Chitra Srivastava, (1970) 1 SCC 121] ”

48. *In a more recent decision in State of U.P. v Sudhir Kumar Singh [State of U.P. v. Sudhir Kumar Singh, (2021) 19 SCC 706] , the position of law was summarised as under: (SCC pp. 748-49, para 42)*

“42. ...42.1. Natural justice is a flexible tool in the hands of the judiciary to reach out in fit cases to remedy injustice. The breach of the audi alteram partem rule cannot by itself, without more, lead to the conclusion that prejudice is thereby caused.

42.2. Where procedural and/or substantive provisions of law embody the principles of natural justice, their infraction per se does not lead to invalidity of the orders passed. Here again, prejudice must be caused to the litigant, except in the case of a mandatory provision of law which is conceived not only in individual interest, but also in public interest.

42.3. No prejudice is caused to the person complaining of the breach of natural justice where such person does not dispute the case against him or it. This can happen by reason of estoppel,



acquiescence, waiver and by way of non-challenge or non-denial or admission of facts, in cases in which the Court finds on facts that no real prejudice can therefore be said to have been caused to the person complaining of the breach of natural justice.

42.4. In cases where facts can be stated to be admitted or indisputable, and only one conclusion is possible, the Court does not pass futile orders of setting aside or remand when there is, in fact, no prejudice caused. This conclusion must be drawn by the Court on an appraisal of the facts of a case, and not by the authority who denies natural justice to a person.

42.5. The “prejudice” exception must be more than a mere apprehension or even a reasonable suspicion of a litigant. It should exist as a matter of fact, or be based upon a definite inference of likelihood of prejudice flowing from the non-observance of natural justice.”

19. The doctrine of *audi alteram partem* has three basic essentials. *Firstly*, a person against whom an order is required to be passed or whose rights are likely to be affected adversely, must be granted an opportunity of being heard. *Secondly*, the authority concerned should provide a fair and transparent procedure and *lastly*, the authority concerned must



apply its mind and dispose of the matter by a reasoned or speaking order.

20. In the present case, from the perusal of the impugned order imposing penalty upon the petitioner dated 21.11.2024, it appears that the Mineral Development Officer, Mines and Geology Department, Begusarai, proceeded to impose penalty upon the petitioner without affording him an opportunity of hearing and without issuing him a show-cause. From the afore-quoted decisions, it is clear that an order having civil consequences must be passed after affording an opportunity of hearing to the affected party, in compliance with the principles of natural justice, which is totally absent in the present case. As such, the impugned order dated 21.11.2024 is unsustainable for violation of principles of natural justice.

21. In view of the aforesaid discussions, this Court deems it appropriate that the violation of principle of natural justice in the present case, warrants remand of the present matter to the Mineral Development Officer, Mines and Geology Department, Begusarai (respondent no.4), for passing a reasoned and speaking order after affording an opportunity of hearing to the petitioner in consonance with the principles of natural justice.



22. Accordingly, the impugned order dated 21.11.2024 passed by the Mineral Development Officer, Mines and Geology Department, Begusarai is hereby quashed and set aside. The matter is remitted to the Mineral Development Officer, Mines and Geology Department, Begusarai for passing a reasoned and speaking order after giving an opportunity of hearing to the petitioner.

23. The writ petition is allowed to the above extent.

(Sandeep Kumar, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	18.02.2026
Uploading Date	19.05.2026
Transmission Date	N.A.

