

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19638 of 2025**

=====

Waquar Raza son of Sabir Hussain resident of Mohalla- Sirat Nagar, above Indian Hospital, Near Haweli Dhaba, Neori, Police Station -Sadar, District-Ranchi (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Director, Mines and Geology Department, Government of Bihar, Patna.
3. The District Magistrate, Nawada, Bihar
4. The Superintendent of Police, Nawada, Bihar
5. The Mines Inspector, Mines and Geology Department, Nawada, Bihar
6. The Mineral Development Officer, Mines and Geology Department, Nawada, Bihar.
7. The SHO, Rajauli police station, Nawada, Bihar

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Petitioner/s | : | Mr. Deepak Kumar, Advocate         |
| For the State        | : | Mr. Kumar Manish, SC-5             |
|                      |   | Mr. Arun Kumar Prasad, AC to SC-15 |

=====

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

5      03-02-2026                      Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The petitioner has moved the Court for the  
following reliefs:

*“(i) For issuing a writ of certiorari or any other appropriate writ quashing the illegal seizure of the vehicle of the petitioner bearing Registration No.- JH01FW-1217, which has been illegally seized on 24.10.2025 by the respondent and no documents regarding aforesaid seizure has been provided.*

*(ii) For issuance of a writ of Mandamus directing the immediate release of the seized vehicle which was seized without following due process of law.*

*(iii) For directing an independent enquiry of the illegal and coercive actions of police officials of Rajauli police station, Nawada as well as officials*



*of Mines & Geology Department, Nawada."*

3. The truck of the petitioner was seized 24.10.2025.

It was directed to be released after hearing the petitioner. The petitioner has filed his show cause before the Mineral Development Officer on 31.12.2025 which has been rejected by an order dated 06.01.2026. The entirety of the order dated 06.10.2026 is reproduced hereinbelow:

[illegible]

4. In view of the judgment of the Hon'ble Supreme



Court in the case of ***Kranti Associates (P) Ltd. v. Masood Ahmed Khan, reported as (2010) 9 SCC 496***, this Court is of the view that the impugned order is no order in the eyes of law. The Hon'ble Supreme Court in the case of ***Kranti Associates (P) Ltd. (supra)*** has held as under:-

*“46. The position in the United States has been indicated by this Court in S.N. Mukherjee [(1990) 4 SCC 594 : 1990 SCC (Cri) 669 : 1991 SCC (L&S) 242 : (1991) 16 ATC 445 : AIR 1990 SC 1984] in SCC p. 602, para 11 : AIR para 11 at p. 1988 of the judgment. This Court held that in the United States the courts have always insisted on the recording of reasons by administrative authorities in exercise of their powers. It was further held that such recording of reasons is required as “the courts cannot exercise their duty of review unless they are advised of the considerations underlying the action under review”. In S.N. Mukherjee [(1990) 4 SCC 594 : 1990 SCC (Cri) 669 : 1991 SCC (L&S) 242 : (1991) 16 ATC 445 : AIR 1990 SC 1984] this Court relied on the decisions of the US Court in Securities and Exchange Commission v. Chenery Corpn. [87 L Ed 626 : 318 US 80 (1942)] and Dunlop v. Bachowski [44 L Ed 2d 377 : 421 US 560 (1974)] in support of its opinion discussed above.”*

*“47. Summarizing the above discussion, this Court holds:*

*(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.*

*(b) A quasi-judicial authority must record reasons in support of its conclusions.*

*(c) Insistence on recording of reasons is meant to serve the wider*



*principle of justice that justice must not only be done it must also appear to be done as well.*

*(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.*

*(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.*

*(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.*

*(g) Reasons facilitate the process of judicial review by superior courts.*

*(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.*

*(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.*

*(j) Insistence on reason is a requirement for both judicial accountability and transparency.*

*(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.*

*(l) Reasons in support of decisions must be cogent, clear and succinct. A*



*pretence of reasons or “rubber-stamp reasons” is not to be equated with a valid decision-making process.*

*(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37] .)*

*(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, “adequate and intelligent reasons must be given for judicial decisions”.*

*(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of “due process”.*

5. Upon perusal of the order dated 06.01.2026, this Court is of the considered opinion that no reasons have been assigned before rejecting the reply to the show cause filed by the petitioner. Non assigning of reasons is indicative of total non- application of mind by the concerned competent authority and is arbitrary and therefore unsustainable.

6. In these circumstances, the order dated 06.01.2026



is hereby quashed.

7. The matter is remitted back to the Mineral Development Officer for fresh consideration in accordance with law who shall pass a reasoned and speaking order after hearing the petitioner.

8. 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 JH01FW-1217 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 Nine lakhs Twenty Five thousand (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.*

9. It is made clear that before releasing the truck of the petitioner in question, it should be re-weighted along with the stone chips in the presence of the petitioner.

10. With the aforesaid observations and directions, this writ petition is disposed of.

**(Sandeep Kumar, J)**

P. Kumar

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

