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WP-20323-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

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HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 22nd OF JUNE, 2026WRIT PETITION No. 20323 of 2026*VIKAS KUMAR PRADHAN**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Jayesh Gurnani - Advocate for the petitioner.

*Shri Nilesh Yadav - learned Additional Advocate General with Shri
Sudeep Bhargava - learned Dy. A.G. for the respondent/State.*

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ORDER

Per. Justice Vijay Kumar Shukla

Heard on the question of admission and interim relief.

In the instant petition the *vires* of Rule 18 of Madhya Pradesh Mineral (Prevention Of Illegal Mining, Transportation And Storage) Rules, 2022 (hereinafter Rules, 2022) is challenged on the ground that the aforesaid provision prescribes the penalty in the form of fine more than the fine amount prescribed under the provisions of Section 21 (2) of the Mines and Minerals (Development and Regulation) Act, 1957 as the aforesaid provisions of the Act only prescribes maximum fine amount of Rs.5,00,000/-

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Issue notice.



Learned Deputy Advocate General accepts notices; and he prays for and is granted time to file reply or adopt reply filed in Writ Petition No.17586 of 2024.

The petitioner has prayed for directing the respondents to release the seized vehicle for violation of provisions of Section 4 of the Act and Rule 18 of the Rules, 2022.

Learned counsel for the petitioner submits that by the impugned order, the Competent Authority has passed the order of imposition of punishment of fine to the tune of Rs.5,22,000/- against the petitioner's vehicle. He also submits that an order for releasing the vehicle may be passed in terms of the order dated 19.12.2025 passed W.P. No.49298/2025 which has been placed by him. The aforesaid vehicle is seized and the same is in possession of the respondents. He submits that the approximate value of seized vehicle is Rs.20,00,000/-. He further argues that the vehicle is used for commercial purposes and because of the seizure of the aforesaid vehicle, his activities of carrying out the other contracts are withheld, and he is suffering huge financial loss.

Learned counsel for the respondent/state opposed the prayer and submits that, against the impugned order, there is an alternative and efficacious remedy of appeal under Rule 27 of the Rules, 2022.

After hearing learned counsel for the parties, this Court finds that since a *prima facie* case is made out to challenge Rule 18 of the Rules, 2022 and the impugned order is passed under the aforesaid provisions, therefore, the remedy of appeal would not be an efficacious remedy of appeal in the



present case. The vehicle is seized by the respondents for violation of the aforesaid provisions.

In view of the aforesaid, the prayer for interim relief is **allowed**. The Competent Authority shall release the vehicle to the petitioner after being satisfied with the ownership papers, subject to the following conditions: -

- 1. The vehicle shall be released on depositing of Rs.3,00,000/- amount towards the penalty by petitioner, and the petitioner shall furnish a solvent surety of the approximate value of the respective vehicle to the satisfaction of the competent authority.*
- 2. Petitioner shall furnish an undertaking before the competent authority that they will not alienate the vehicle in question and will keep the vehicle in the same condition in which the same shall be handed over to the petitioner by the competent authority.*
- 3. The petitioner shall also furnish an undertaking that he will produce the vehicle before the competent authority as and when it is directed by this Court.*
- 4. If it is found that the vehicle which has been released is involved in another illegal mining, the competent authority shall be entitled to seize the respective vehicle again.*
- 5. The release and the deposition of the penalty amount shall be subject to final outcome of the petition.*

The aforesaid exercise shall be carried out within 15 days from the date of filing of a copy of the order passed today and complying with the directions passed by this Court.

List the matter along with Writ Petition No. 9040/2025 and Writ Petition No.17586 of 2025.

(VIJAY KUMAR SHUKLA)
JUDGE

(ALOK AWASTHI)
JUDGE