

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			WPMS No.1854 of 2023 <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Manvendra Singh, learned counsel for the petitioner. 2. Mr. Anil Dabral, learned Additional Chief Standing Counsel for the State of Uttarakhand. 3. The petitioner has contended in the present writ petition that he is the owner of vehicle/(pick-up 4 tyre), bearing Registration No. UK-07CB-1059. The said vehicle was seized by the competent authorities on the ground that the vehicle was alleged to have been found engaged in carrying the minor minerals illegally, and hence, it was seized. 4. Learned counsel for the petitioner submits that the amount of the penalty has already been deposited, however, Mr. Anil Dabral, learned Additional Chief Standing Counsel, disputed this fact and submits that it is not clear from the writ petition as to whether the amount of penalty has been deposited or not. 5. Learned counsel for the petitioner has submitted that the application, which had been submitted by him for the release of the vehicle, has been rejected, but the said order of rejection on the release application runs contrary to the judgments, which has been rendered by the Coordinate Bench of this Court, wherein, under an identical set of circumstances, where the vehicle was found to be engaged in the illegal mining activities, or is found to be engaged transporting the minor minerals illegally, and in contravention to the parameters, which have been laid down by the judgment of the Division Bench dated 05.03.2019, as rendered in Writ Petition

			(PIL) No.162 of 2018, “Birendra Kumar Pegwal Vs. District Magistrate, Dehradun & others”, where the Court has observed, that the seizure of the vehicle for its alleged involvement of carrying illegal mining, it may not conducive to keep the vehicle seized, as it was resulted into depreciation of its value and gets damaged completely. 6. Learned counsel for the petitioner placed reliance on the judgment rendered by the Coordinate Bench on 07.01.2020, in Writ Petition (M/S) No.3658 of 2019, “Bhura Ram Vs. State of Uttarakhand”, which was subsequently followed by the other coordinate Benches in the judgment rendered in WPMS No.2015 of 2021, “Sumer Chand Vs. District Magistrate Collectorate Complex Dehradun”, as decided on 27.09.2021. This fact has not been disputed by the learned State Counsel that the issues, as raised in the present writ petition, are covered by the judgment, the reference of which has been given above. 7. It is hereby directed that the vehicle (referred above), which has been seized for the alleged commission of the illegal transportation of the minerals, as would be apparent from the seizure order, the same is directed to be released, subject to the condition that it is not involved in any other case, and the petitioner deposits the penalty amount, if any, and it is further directed that the petitioner would ensure to produce the vehicle, whenever it is required, if the case is being undertaken and proceeded with under the provisions of the Minor Minerals Act. 8. In view of the above the writ petition stands disposed of, subject to the aforesaid directions. (Rakesh Thapliyal, J.) 27.12.2023 Reena
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