

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL
MC(PIL) No. 24 of 2023**

M/S A.I. Stone Crushing Unit

Applicant

Vs.

State of Manipur & 3 ors.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI**

31.01.2024

Siddharth Mridul, C.J.:

Ms. N. Tejpriya, learned counsel, appears on behalf of the applicant; and
Mr. Lenin Hijam, learned A.G., appears on behalf of the State.

The present application has been instituted on behalf of the applicant,
M/S A.I. Stone Crushing Unit, praying as follows:-

*"In the above facts and circumstances, it is most humbly prayed
that Your Lordships may graciously be pleased to:-*

- i) allow the applicant to submit the undertaking in the form of affidavit and deposit a sum of Rs 10,000/- (Ten Thousand) to the Manipur High Court Legal Services Committee.*
- ii) direct the Directorate of Trade, Commerce & Industries for releasing the TATA TIPPER HYBRA, recorded as Registration No. A/F, bearing registration No. MN01AA 3050 seized by the Officer-in-charge, Internal Task Force, Directorate of Trade, Commerce & Industries.*
- iii) pass any such further order(s) or direction(s) as the Hon'ble Court deem fit and proper to secure the ends of Justice."*

Our attention has been invited to the order passed by this Court on 20.10.2023 in PIL No. 5 of 2019 & MC(PIL) No. 21 of 2022 and ors., wherein it was directed as follows:-

"[12] Regarding those cases mentioned in Table – B when FIRs have not been registered, this court is of the view that these applications can be considered in term of the undertaking given by them in the form of affidavit. Accordingly, the applications stand disposed of with the following directions:

1. *the applicants shall not carry on the business of lifting sand and stone for selling until the permit is issued by the state government in accorded with law and*
2. *the applicants shall co-operate with the investigation.*
3. *the applicants shall deposit a sum of Rs. 10,000/- (Ten Thousand only) for Truck and Tractor and Rs. 20,000/- (Twenty Thousand only) for Excavator and earth mover vehicles such as JCB, Poclain, etc to the Manipur High Court Legal Services Committee.*
4. *the direction above shall complied with within 2 weeks from the date of receipt of copy of this order.*
5. *On submission of the requisite undertaking and proof of deposit of amount as indicated above, the vehicles shall be released to the owners/applicants."*

In view of the foregoing, it is urged that the in view of the admitted position that no FIR has been registered against the applicant, the subject TATA TIPPER HYBRA, recorded as Registration No. A/F, bearing registration No. MN01AA 3050, may be released to the applicant subject to their furnishing an undertaking in the form of an affidavit and depositing a sum of Rs. 10,000/- (Ten Thousand) to the Manipur High Court Legal Services Committee.

Mr. Lenin Hijam, learned Advocate General appearing on behalf of the State of Manipur, does not refute the submission made on behalf of the applicant.

In view of the foregoing, subject to their furnishing undertaking in the form of affidavit and depositing a sum of Rs. 10,000/- (Ten Thousand) in terms of the directions issued by this Court, vide order dated 20.10.2023, the subject TATA TIPPER HYBRA is directed to be released expeditiously.

The application is disposed of accordingly.

JUDGE

CHIEF JUSTICE

Indrajeet