

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

211

**CWP No.19153 of 2016(O&M).
Date of Decision: 30.05.2017.**

Mainpal

....Petitioner.

VERSUS

State of Haryana and others

....Respondents.

**CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MRS. JUSTICE SNEH PRASHAR**

Present: Mr. Sunil K. Nehra, Advocate for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana.

RAJESH BINDAL, J.

The petitioner has approached this Court seeking to challenge Section 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (for short, “the Act”) which provides for confiscation of the vehicle used in any offence committed under the Act.

Learned counsel for the State submitted that the process for amendment of the Act is in progress and he has instructions from Dr. Rajbir Vats, Gaushala Development Officer, Department of Animal Husbandry & Dairying, Panchkula to state that the vehicle in question namely, UP-11AT-1273 Ashoka Leyland Pick Up may be released to the petitioner on superdari to the satisfaction of Judicial Magistrate Ist Class, Yamuna Nagar.

In view of the stand taken by learned counsel for the State, learned counsel for the petitioner submitted that the main writ petition can also be disposed of in case the State is in process of making amendment in the Act vires of which is under challenge.

After hearing learned counsel for the parties, the present petition is disposed of at this stage as regards vires of Section 17 of the Act is concerned, as amendment thereof is under consideration.

In view of the stand taken with reference to release of vehicle, it is directed that the same shall be released to the petitioner on superdari subject to the satisfaction of Judicial Magistrate Ist Class, Yamuna Nagar.

(Rajesh Bindal)
Judge

(Sneh Prashar)
Judge

30.05.2017
jitender sharma

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No