

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15104 of 2018

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1. Ram Pravesh Singh alias Pappu Singh son of Late Raghubansh Singh resident of village - Deohaliya, P.S. - Ramgadh, District - Kaimur.
 2. Jag Mohan Sao son of Baban Sao resident of village - Paspipra, P.S. - Mohaniya, District - Kaimur at Bhabua. Petitioners
- Versus
1. The Principal Secretary, Mines and Minerals Development, Bihar at Patna, District - Patna.
 2. The State of Bihar through the Collector-cum-District Magistrate, Rohtas at Sasaram, District - Rohtas at Sasaram.
 3. The Principal Secretary, Transport Department, Bihar at Patna, District - Patna.
 4. The District Magistrate, Rohtas at Sasaram, District - Rohtas at Sasaram.
 5. The Assistant Director, Mines and Minerals Department, Rohtas at Sasaram, District Rohtas at Sasaram.
 6. The Mines Development Officer, Mines and Minerals Department, Rohtas at Sasaram, District - Rohtas at Sasaram.
 7. The Officer-in-Charge, Sasaram Muffasil, P.S. - Sasaram Muffasil, District - Rohtas at Sasaram. Respondents
- =====

Appearance :

For the Petitioners : Mr. Sumeet Kumar Singh, Advocate
For the State : Mr. Vivek Prasad, GP7
: Mr. Naresh Dikshit, SplPP Mines

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 13-08-2018

Case of the petitioners is that as per decision taken in the meeting dated 7.4.2018, the liability of the petitioners in respect of the overloading was limited to the extent of fine which was to be levied. He submits that Annexure 3 is a proof of the fact that the respondent mining authorities have given no objection for release of the petitioners' vehicles bearing no. UP 63F 9653 and UP 67T 1982. Annexure 4 is a proof of submission of the fine before the Transport authorities.

The aforesaid position is admitted by learned counsel for



the respondents.

In view of such admitted position, there appears to be no impediment in release of these two vehicles. This Court observes that since no FIR/criminal proceedings has been instituted against the petitioners, the Officer-in-charge, Sasaram Mufassil Police Station would not be lawful in continuing with the possession of the aforesaid vehicles. In view of such situation, petitioners may approach the District Magistrate, Rohtas at Sasaram requesting for appropriate direction for release of their vehicles within a week. It is expected that the appropriate order would be passed by the respondents within a week of production/receipt of this order.

The writ petition is disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.8.2018
Transmission Date	NA

