

***IN THE HIGH COURT OF BOMBAY AT GOA******CRIMINAL WRIT PETITION NO. 40 OF 2019***

Mr. Meghasham V. Madgaonkar ... Petitioner  
Versus  
The competent officer/Inspecting Officer,  
Directorate of Mines & Geology and Anr. ... Respondents

Mr. Kapil D. Kerkar, Advocate for the Petitioner.  
Ms. Amira Abdul Razaq, Government Advocate for the Respondent  
Nos.1 and 2.

***Coram : S.C. Gupte, &  
Prithviraj K. Chavan, JJ.***

***Date : 14<sup>th</sup> June, 2019.***

**P.C. :**

The Writ Petition challenges the action on the part of the competent officer under the Goa, Daman and Diu Minor Mineral Concession Rules, 1985 (“Rules”) of seizing of the property of the Petitioner and refusal to release the property against a bond. The seizure of the Petitioner's property, namely, JCB, was on the footing that the Petitioner was found extracting or removing minor minerals in contravention of the Rules. The Rules provide that whenever any tool or equipment or vehicle is seized under sub-rule (3) of Rule 62, the competent officer/Inspecting Officer may release the same, on execution of a bond by the claimant, for the production of the property so released, if and so when required before the Court. The

competent officer/Inspecting Officer in the present case is refusing to release the vehicle against a bond, purportedly on the ground that the vehicle seized is the only property of the applicant for realization of the penalty levied.

2. Learned Counsel for the Petitioner submits that his client is prepared to furnish a Bank Guarantee in the sum of the penalty levied by the Respondents. Considering the grievance of the competent officer/Inspecting Officer, a Bank Guarantee would be an adequate security for release of the vehicle. Respondent No.1 is accordingly directed to forthwith release the Petitioner's vehicle against the latter furnishing a Bank Guarantee in the sum of ₹15,31,777/-. The Writ Petition is disposed of accordingly.

3. Needless to add that the Bank Guarantee shall be valid for the entire period of pendency of the Petitioner's Revision Application before the Secretary (Mines), Bardez, Goa. It is expected that the Secretary (Mines) disposes of the Petitioner's pending Revision Application expeditiously.

***Prithviraj K. Chavan, J.***

***S.C. Gupte, J.***

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