

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

**CWP-12256-2019 (O&M)
Date of Decision:13.05.2019**

Mohammad Hassan

... Petitioner

Versus

Financial Commissioner & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Badal Malik, Advocate for the petitioner.

Mr. Siddharth Sanwaria, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

The instant writ petition is directed against the order dated 11.01.2018 (Annexure P-2) passed by the Sub Divisional Magistrate, Hisar and in terms of which the truck container of the petitioner bearing registration No.UP-23-T-1746 was seized in terms of Sections 13/17 of the Haryana Gauvansh Sanrakshan & Gausamvardhan Act, 2015. Further challenge is to the order dated 04.01.2019 (Annexure P-3) of the Deputy Commissioner, Hisar vide which the appeal preferred by the petitioner has been dismissed.

On a previous date of hearing i.e. on 09.05.2019, a complete copy of the writ paper book has been furnished to learned State counsel to enable him to complete instructions.

During the course of hearing today, it stands conceded that **CWP-19153-2016 (Mainpal Vs. State of Haryana & others)** had been filed earlier in point of time challenging Sections 13/17 of the Haryana Gauvansh Sanrakshan & Gausamvardhan Act, 2015 and which provides for confiscation of the vehicle used in any offence committed under the Act. Writ petition

was taken up by a Division Bench of this Court and stand was taken on behalf of the State that the process for amendment of the Act is in progress. Furthermore, the concerned official under the Department of Animal Husbandry and Dairying, Panchkula had made a statement that the vehicle in question in that matter may be released to the petitioner on *superdari* to the satisfaction of the Judicial Magistrate concerned.

Mr. Siddharth Sanwaria, learned DAG, Haryana submits that till date there has been no amendment in the Act.

In view of the above, the instant writ petition is disposed of by issuing the same directions as in the case of Mainpal (*supra*).

The vehicle in question of the petitioner is directed to be released to the petitioner on *superdari* subject to satisfaction of the Chief Judicial Magistrate, Hissar.

Disposed of.

13.05.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |