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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-33292-2019
Date of decision: 16.12.2019

M/s Rana Building Material **.....Petitioner.**

vs.

State of Haryana and others **.....Respondents.**

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. H.S. Bedi, Advocate for the petitioner.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

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Sanjay Kumar, J. (ORAL)

The grievance of the petitioner is that his vehicle (Tralla) bearing registration No. PB-12(T) 1831 was seized by the Assistant Mining Engineer, Mines and Geology Department, Haryana, the second respondent, on 20.9.2019 but he was not furnished any document in connection with such seizure. He seeks a consequential direction to release the vehicle in question as all necessary documents were furnished to the authorities.

The petitioner's vehicle was seized while carrying sand. There is a dispute as to whether valid bills were produced therefor at the time of such seizure on 20.9.2019. Be that as it may, the authorities would have to take action in accordance with the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, (for short, 'the Rules 2012'). In the event, the petitioner did not have a valid mineral transit pass or indulged in violation of the Rules 2012, the consequences therefor are dealt with under Rule 102 of the Rules 2012. The Respondent-Mining authorities would

therefore have to take appropriate action within the framework of the statutory Rules for release of the vehicle and/or the mineral, as the case may be. Further, as it is the case of the mining authorities that some other offences might also be made out in the context of the transport of the sand in this case, it is for them to take appropriate action in relation thereto in accordance with law.

It is however made clear that it would not be open to the authorities to import anything into the framework of the Rules 2012 without appropriate amendments being effected thereto. They are duty bound to implement the law, as prescribed by the statute, in true letter and spirit. Necessary action in this regard shall be taken by the respondent-authorities expeditiously.

Insofar as the release of the vehicle is concerned, the same is governed by the aforestated statutory rule and the exercise in relation thereto shall be completed within three weeks from the date of receipt of a certified copy of this order. As regards the other aspects, the respondent-authorities shall take appropriate action as soon as possible. The petitioner shall be put on notice of the action proposed to be taken, both in respect of the vehicle as well as the minerals.

The writ petition is accordingly disposed of with the above directions.

No order as to costs.

(SANJAY KUMAR)
JUDGE

16.12.2019

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integrity of this document

whether speaking/non speaking

yes/no

whether reportable/non reportable

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