

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC NO. 2410 OF 2020**

Pratik Hardwani, S/o Mohanlal Hardwani, aged about 34 years, R/o Ward No.13, Tahsil Bhanupratappur, District Kanker (CG)

... Petitioner(s)

versus

1. State of Chhattisgarh, through the Principal Secretary, Home Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur (CG)
2. Collector/District Magistrate, Uttar Bastar, Kanker (CG)
3. Superintendent of Police, Uttar Bastar, Kanker (CG)
4. Sub Divisional Officer (Police), Bhanupratappur, District Uttar Bastar, Kanker (CG)
5. S.H.O., P.S. Bhanupratappur, District Uttar Bastar, Kanker (CG)

... Respondent(s)

For Petitioner	:	Mr. T.K. Jha, Advocate.
For Respondents	:	Mr. V.R. Tiwari, Addl. A.G., with Mr. Sudeep Verma, Mr. Anand Verma & Mr. Siddharth Dubey, Dy. A.Gs.

Hon'ble Mr. Justice P. Sam Koshy

Order on Board

28.10.2020

1. Petitioner is a Transporter and has got a Truck, bearing Registration No. CG19-BH/1800. The said vehicle was being operated for transport purposes by the Petitioner with all requisite permissions and authorities of the State. However, on 28.7.2020, Respondent No.5 is said to have without any justified reason seized the aforesaid vehicle and has kept it at the premises of the Police Station, Bhanupratappur.

2. According to the learned Counsel for Petitioner, though three months have been passed the Respondents have till date not registered any criminal case in connection with the use of the said vehicle nor has there been any criminal case filed against the driver of the said vehicle for an offence committed in the course of operating the said transport vehicle. He further contended that the Petitioner has approached the Respondent No.4 by making a correspondence on 11.8.2020 so also the petitioner has approached the Respondent no. 2 & 3, but no decision has been taken on the said application filed by the Petitioner. He next submitted that the Petitioner has been subjected to huge amount of loss in the course of not being able

to operate the said transport vehicle for the last three months and thus he prays for firstly to release the vehicle and also to award compensation for the loss caused to the Petitioner.

3. Learned State Counsel, at this juncture, submits that the present writ petition may be disposed of directing the Respondents to take an early decision on the application that the Petitioner has filed, taking into consideration the contentions which have been raised by the learned Counsel for Petitioner, as according to the learned State Counsel they are appearing only on advance notice.

4. Given the factual matrix as narrated by the learned Counsel for Petitioner and what is reflected from the pleadings of the writ petition, this Court is of the opinion that ends of justice would meet if the present writ petition is disposed of directing the Respondent No.5 to take an immediate call on the seizure of the vehicle within a period of seven days, in accordance with law. In case, if the vehicle has been seized for an offence, appropriate action under law has to be taken and, in case, if no offence has been made then steps should be taken for immediately releasing the vehicle unconditionally.

5. As regards the claim for compensation is concerned, this Court is of the opinion that the Petitioner would be free to file a suit for damages before the concerned Civil Court as it would require appreciation of evidence, both oral and documentary, for determining the compensation payable.

6. Respondent No.5 is directed to take a decision within a period of seven days from today. Learned State Counsel is directed to ensure that instructions are passed on to the concerned authorities promptly without fail.

7. With the aforesaid directions, Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge