

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

CRM-M-7901-2020 (O&M)

DATE OF DECISION : 13.08.2020

Vikram Bajaj

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.Satyavir Singh Yadav, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking release of truck bearing registration No. HR45C-6590, which has been seized by the respondents No.1 and 2-Mining Officer, Mines and Geology Department, Ambala under Sub-rule 104 of State Mining Rule, 2012 read with Section 21(4) of Mines and Minerals(D&R) Act, 1957, on the allegations that the same was found involved in illegal mining and was intercepted by the officials of Mining Department on 02.02.2020 loaded with "bajri" and presently in possession of respondent No.3.

2. Learned counsel for the petitioner submits that the petitioner is running his business of concrete under the name and style of M/s Bajaj Goods Carrier, Karnal and is having valid GST number. On 02.02.2020 the bajri loaded on the truck in question was purchased by the petitioner from Diwan Stone Crusher, Mubarikpur and was enroute to Karnal when it was seized by the officials of Mining Department. According to him, the bajri loaded thereupon was validly purchased by the petitioner vide invoice Annexure P-1.

He further submits that the petitioner submitted a representation to respondent No.2 about wrong seizure of the truck and had appended the relevant proof, but the same has not been adverted to by the Mining Department till date. Hence, the truck in question be released, which is in police possession since 02.02.2020 and further detention thereof would amounts to deterioration of its condition and the petitioner is ready to abide by all the conditions as deem appropriate for releasing the truck in question on *superdari*.

3. Learned State counsel though has objected to the prayer, but when confronted with the invoice Annexure P-1 qua the bajri, which was found loaded on the truck in question at the time of its seizure, he submits that the same was not supplied by the petitioner either at the time of seizure or subsequent thereto. He, however, submits that if the truck in question is released, then there will be no mechanism to recover the compensation/ fine amount, if imposed upon the petitioner after adjudication of the notice.

4. Having heard learned counsel for the parties and on perusal of record, I am of the view that this Court need not delve into the question of validity or otherwise of the seizure of truck in question. It would be for the appropriate authority to consider the submissions of the petitioner and take into account the documents produced by the petitioner, at the time of final adjudication of the notice/ summary proceedings. In the meanwhile, the truck which has been lying parked/ seized since February 2020 ought to be released as its further stationary condition would lead to its deterioration beyond repair.

5. In the premise, the petition is allowed. The truck in question is ordered to be released to its registered owner on *superdari* on his furnishing bonds to the satisfaction of Illaqa Magistrate/ Duty Magistrate, concerned, on usual terms and conditions of *superdari*. A copy of this order be sent to respondents No.1 and 2 with an expectation to dispose of the pending

proceedings pursuant to the notice (Annexure P-2), as expeditiously as possible.

August 13,2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No