

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(102) CRM-M-28231-2020
Date of decision: 17 September, 2020

Rajesh Kumar .. Petitioner

Versus

State of Haryana and others .. Respondents

(104) CRM-M-28243-2020

Gurpreet Singh .. Petitioner

Versus

State of Haryana and others .. Respondents

(115) CRM-M-28386-2020

Kuldeep Singh .. Petitioner

Versus

State of Haryana and others .. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anshul Mangla, Advocate, for the petitioner.
(in CRM-M No.28231 of 2020).

Mr. Vivek Goyal, Advocate, for the petitioner,
(in CRM-M Nos. 28243 and 28386 of 2020).
Ms. Safia Gupta, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

By this order, three petitions are being disposed of as identical
questions of law has been raised in all the three petitions.

The petitioners, in these petitions, are praying for the release of their vehicles, which are lying seized with the Department of Mines and Geology, Government of Haryana, on the ground that the power to seize or to take cognizance of the offence is only with the competent Court and therefore, seizing of the vehicles by the respondent-Department is without jurisdiction.

On being pointed out that the order of the seizer is not under challenge in the present petition and as per the said seizer memo, an appeal lies with the Director General, Mines and Geology Department, Government of Haryana under Rule 109 (1) of the State Mining Rules, 2012, learned counsels for the petitioners pray that they be allowed to withdraw these petitions with liberty to avail the said remedy for the redressal of the grievance of the petitioners.

Ms. Safia Gupta, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, submits that in case any appeal is submitted by the petitioners to the Director General invoking the provisions mentioned above, appropriate speaking orders will be passed by the appellate authority within a period of three months of the submission of the said appeal.

Learned counsel for the petitioners pray that keeping in view the above statement of the learned counsel for respondent-State, no grievance of the petitioners survives in the present petitions, at this stage and they be allowed to withdraw these petitions with liberty to approach the Director General (respondent No.1) by filing appropriate appeal against the order seizing the vehicles and the material.

In view of the above, these petitions are dismissed as withdrawn with liberty, as prayed for.

In case, petitioners prefers an appeal, same be disposed off by respondent No.1 by passing appropriate speaking order within a period of three months of submission of appeal.

It is made clear that at this stage, this Court express no opinion on the merits of the case or the claim being raised by the petitioners in these petitions.

September 17, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No