

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CWP No. 18853 of 2020

Date of Decision: 9th November, 2020

Karambir

....Petitioner

VERSUS

State of Haryana and others

....Respondents

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Mr. R.K. Doon, Advocate for the Petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Dr. S. Muralidhar, J.

1. It is seen that the Petitioner has already challenged the impugned order dated 21st April, 2020 of the Mining Officer, Mines and Geology Department, Panipat, Haryana, seizing the Petitioner's tractor bearing registration No.HR-06-AR-1121, by way of an appeal under Section 109 (1) of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012.
2. The contention of Mr. R.K. Doon, learned Counsel for the Petitioner is that since, according to the Petitioner, at the time of seizure of the vehicle, it was, in fact, not transporting any minerals whatsoever and since the appeal filed by the Petitioner has been pending since April, 2020, this Court should exercise its jurisdiction under Article 226 of the Constitution and direct the release of the vehicle.

3. The Court is of the view that it is for the Appellate Authority, before whom the Petitioner’s appeal is pending, to consider the Petitioner’s plea that the tractor of the Petitioner was, in fact, not transporting any mineral at the time of its seizure. Therefore, leaving it open to the Petitioner to urge all the contentions available to him in accordance with law before the Appellate Authority, this Court declines to interfere in the present writ petition and dismisses it as such.
4. The Appellate Authority is requested to dispose of the Petitioner’s appeal by a reasoned order, not later than 1st December, 2020. If aggrieved by such order of the Appellate Authority, it will open to the Petitioner to seek appropriate remedies in accordance with law.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

9th November, 2020
Sachin M.

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