

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 5140 of 2021**

1. Ramesh Chand Seth S/o Late Devi Prasad Seth Aged About 56 Years R/o Hill View Colony, Near Mishra Hospital, Mango East Singh Bhoomi, Jamshedpur, Jharkhand
2. Rajesh Mishra S/o Late Raghvendra Mishra Aged About 53 Years R/o Chandra Prabha Nagar, NH-33 MGM, Medical College, East Singh Bhoomi, Jharkhand
---- Petitioner

Versus

1. S. E. C. L. Through- Its Chairman And Managing Director, SECL, Seepat Road, P.S. Sarkanda, Bilaspur (C.G.)
2. G.M. SECL, Deepka Area Deepka, P.S. Kusmunda, Distirct- Korba (C.G.)

----Respondents

For Petitioner	:	Mr. Raj Kumar Gupta, Advocate.
For SECL	:	Mr. Vinod Deshmukh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.12.2021**

1. The grievance of the petitioners seems to be an alleged inaction on the part of the respondents in not taking an appropriate decision so far as the claim put forth by the petitioners for releasing of 16 Hyva trucks which were originally owned and possessed by one RST Mining & Logistics Pvt. Ltd.
2. According to the counsel for the petitioners, the two petitioners herein partners in a firm namely R.K. International Company, have purchased 16 Hyva trucks belonging to M/s RST Mining & Logistics Pvt. Ltd. Thereafter, the petitioners have been approaching the respondents for an appropriate direction entailing them for release of those vehicles which are parked in the premises of the respondent No. 2.

3. Learned counsel appearing for the respondent SECL however submits that the vehicles which are parked in the premises of the respondent No. 2, in-fact were originally owned by the RST Mining & Logistics Pvt. Ltd., with whom there was a contract for transportation of Coal and for which these vehicles were used. According to the counsel for the SECL, there could be a possibility of some dispute between the respondents- SECL with the said RST Mining and Logistics and therefore the order for release of vehicles cannot be simply made without taking into consideration any claim, if any, against the RST Mining & Logistics.
4. Be that as it may, since the petitioners has approached the respondents in-respect-of the release of vehicles, said to have been purchased by the petitioners from M/s RST Mining & Logistics Pvt. Ltd., the present writ petition as of now is disposed of directing the respondent No. 2 to consider the representation of the petitioners in so far as their claim for releasing of the 16 Hyva trucks are concerned. The respondent No. 2 is expected to take an appropriate decision taking into consideration all the factual matrix of the case and also the claim of the petitioners for the release of the same strictly in accordance with the rules, guidelines and provisions governing the field. Let an appropriate decision be taken within a period of 45 days from the date of receipt of copy of this order.
5. The present writ petition accordingly stands disposed of.

Sd/-

**P. Sam Koshy
Judge**