

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-17037 of 2021

Date of decision:22.4.2021

Kamlesh Devi and another

... Petitioners

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.S.S.Momi, Advocate,
for the petitioners

...

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conferencing.

By this petition, the petitioners seek quashing of the impugned orders dated 7.3.2021 (copies Annexures P-1 and P-2) passed by respondent no.2, whereby their trucks, bearing registration nos.HR-84-1025 and HR-84-1892, were initially seized on 7.3.2021 and have (as alleged) wrongly been *challaned* and parked at the *Bada*, Police Station Sadar, Charkhi Dadri, and since then are retained in the custody of respondents no.2 and 4, “without any proper arrangement”.

They further seek a stay on the impugned proceedings (seizure orders), as also issuance of an interim direction to the respondents to initiate legal proceedings for confiscation (if necessary), in terms of the judgment passed by this court in CRM-M-23190 of 2020, titled as M/s KC Stone Crushing Company vs. State of Haryana and another (copy Annexure P-3), to enable them to take their vehicles on *Sapurdari*.

Learned counsel for the petitioners submits that as per the said judgment, it had been directed that in future in all such cases where a vehicle is seized in terms of the Mines and Minerals (Development and Regulation) Act, 1957, or the Rules framed thereunder, and the penalty imposed is not paid within a reasonable time, requisite steps shall be taken for prosecuting the accused, or an appropriate application shall be filed for confiscation of the vehicle in terms of Rule 101(10), such reasonable time having been assessed as three months by the court.

Other directions had also been given in that said judgment.

Notice of motion.

Mr. Neeraj Poswal, learned AAG, Haryana, accepts notice at the asking of the court.

A copy of the petition, as also all annexures annexed thereto, be e-mailed to him today itself by learned counsel for the petitioners.

Learned counsel for the petitioners submits that at this stage he would be satisfied if the petition is disposed with a direction to the respondents to proceed as per law in terms of the directions given by this court in that judgment, within a reasonable period.

He submits that the vehicles were confiscated on 7.3.2021, i.e. about 1-1/2 months ago and consequently in terms of the aforesaid directions, the respondents would be required to act within, at the most, another one months' time with regard to any action that is to be taken in terms of the said directions, and as per the statute.

Consequently, this petition is disposed of accordingly.

The respondents would, naturally, comply with the directions given by this court in the aforesaid judgment.

It is made clear that this court has not made any observations, whatsoever, on the merits of the case, with the competent authority simply directed to ensure that the directions issued by this court in the aforesaid judgment are complied with.

22.4.2021	(AMOL RATTAN SINGH)
pk	JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No