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

CWP-13652-2021

Date of decision : 27.07.2021

Amardeep

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Harjot Singh Bedi, Advocate for the petitioner.

(Through Video Conferencing)

AJAY TEWARI, J. (ORAL)

1. This writ petition has been filed against the order of confiscation of the vehicle and the imposition of fine including 50% of the costs of the vehicle.

2. Para 18 of the writ petition reads as follows:-

“18. That the petitioner has not left with any other efficacious and speedy remedy of appeal or revision against the impugned order of the respondent No.2 except to file the present writ petition.”

3. We put a question to the learned counsel for the petitioner to explain as to why the remedy of filing an appeal under Rule 109 of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, is not available. The answer which has been given by the counsel for the petitioner is that the issue which arises in the present writ petition is that the impugned action is

beyond jurisdiction and, therefore, this writ petition cannot be held to be not maintainable. Even though there is no dispute that mere existence of alternative remedy is not an absolute bar to maintainability of a writ petition yet in the present case where the Appellate Authority can well grant the relief which is being sought in this Court, we find no reason to entertain this writ petition.

4. Consequently, the present writ petition is dismissed with liberty to the petitioner to file an appeal before the Appellate Authority, who shall decide any such appeal if filed within a period of two months from the date of institution thereof.

5. We part with this judgment with the expectation that the kind of glib and misleading averments which have been reproduced above, would not be repeated before this Court.

6. Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(VIKAS BAHL)
JUDGE

27.07.2021

Pawan

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**