

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7230 of 2022

=====

Munna Kumar Singh, Son of Shankar Singh, Resident of Village-Teharpur,
Police Station-Khizarsarai, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, department of Mines, Government of Bihar, Patna.
2. The Principal Secretary Cum Mines Commissioner, Government of Bihar, Patna.
3. The Secretary Transport, Govt. of Bihar, Patna.
4. The District Magistrate, Gaya.
5. The District Public Grievance Redressal Officer, Gaya.
6. The Mines Development Officer, Gaya.
7. The Sub Divisional Officer, Neemachak, Bathani, Gaya.
8. The Station House Officer, Atari, Gaya.
9. The District Transport Office, Gaya.
10. Sri Hemant Kumar Enforcement Officer, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha (GA7)
		Mr. Naresh Dikshit, Spl. P. P. Mines

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 05-12-2022 The petitioner has prayed for the following relief/s :-

“(i) For direction upon the respondents to release the vehicle of the petitioner a truck bearing Registration No.BR-02W-6514 which has been illegally and wrongly seized relating to which no case is pending in any court of law.

(ii) For issuance of a writ of mandamus directing to take appropriate departmental action against the guilty officials whose guilt has already



been established in enquiry conducted by Additional Collector (Public Grievance, Redressal) cum District Public Grievances Redressal Officer, Gaya.

(iii) Commanding the Respondent State to compensate the petitioner for the loss suffered due to wrongful seizure as well as loss of livelihood owing to seizure of vehicle.

(iv) For grant of any such other relief(s) the petitioner may be entitled to in the facts and circumstances of the case.”

On 01.12.2022, we had passed the following order :-

“Our specific attention is invited to the Gazette notification dated 16.7.2018 that of Ministry of Road Transport and Highways, Government of India, whereby “tolerance” up to 5% of the prescribed weight of the vehicle is allowed.

It is not in dispute that the prescribed weight of the vehicle, under Section 113 of the Motor Vehicle Act, 1988, is 600 CFT; whereas, the laden weight of the vehicle at the time of impounding was 622.75 CFT.

As prayed for, list on 5.12.2022, in the category of “Order Matters”.

In principle, there is no dispute with regard to the legal position, stated hereinabove.

As such, we only direct respondent No.4, namely, the District Magistrate, Gaya/respondent No. 6, namely, the Mines Development Officer, Gaya to immediately take a decision, positively within next 24 hours.

We only hope and expect that the authority shall take a decision in accordance law, which in our considered view, has to be in terms of the notification issued by the Central



Government.

We are hopeful that the vehicle would be released within the said period.

Insofar as, the money deposited by the petitioner with the Transport Department is concerned, it shall be open for the petitioner to approach the authority constituted under the Motor Vehicle Act, 1988 for refund of the amount.

Liberty is reserved to the petitioner to revive the petition, should the need so arise.

Petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/DKS

U			
---	--	--	--

