

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.O.C.P.No.157 of 2020

Date of Decision: July 27, 2022

M/s Rana Building Material

...Petitioner

Versus

Amitab Singh Dhillon & another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr.Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Sections 11 and 12 Contempt of Courts Act, 1971 with a prayer for initiating contempt proceedings against respondents for violating the order dated 16.12.2019 passed in Civil Writ Petition No.33292 of 2019.

Briefly, the facts are that the petitioner claims to be engaged in the business of transporting building material by using his vehicle bearing No.PB-12(T) 1831 in a legitimate manner, but on 19.09.2019 the said vehicle containing material weighing 40 tonnes was impounded illegally by the Assistant Mining Engineer, therefore, he brought CWP No.33292 of 2019 to challenge the said action and the same was decided by writ court on 16.12.2019 with the following observations:-

“It is however made clear that it would not be open to the authorities to import anything into the framework of the Rules 2012 without appropriate amendments being effected thereto.

They are duty bound to implement the law, as prescribed by the statute, in true letter and spirit. Necessary action in this regard shall be taken by the respondent authorities expeditiously.

Insofar as the release of the vehicle is concerned, the same is governed by the aforestated statutory rule and the exercise in relation thereto shall be completed within three weeks from the date of receipt of a certified copy of this order. As regards the other aspects, the respondent authorities shall take appropriate action as soon as possible. The petitioner shall be put on notice of the action proposed to be taken, both in respect of the vehicle as well as the minerals.

The writ petition is accordingly disposed of with the above directions.

No order as to costs.”

It is the case of the petitioner that respondents disobeyed the above directions, and the petitioner was directed to deposit a sum of ₹4.00 lacs on 12.03.2020 before releasing the vehicle vide order dated 13.03.2022. It is prayed that the respondents be proceeded against for contempt of court.

In response to the petition, a status report by way of affidavit of Om Dutt, Mining Officer, Mines and Geology Department, Haryana has been filed, wherein it is mentioned that the petitioner was involved in illegal mining, therefore, his vehicle was seized and was released after payment of fine, compensation and royalty and in the end, it is prayed that the petition be dismissed and the rule against the respondents be discharged.

Learned counsel for the petitioner has argued that once the Haryana Minor Mineral Concession, Stocking, Transpiration of Minerals and Prevention of Illegal Mining Rules, 2012 noticed in the order passed by the writ court are to be followed and it is not open for the authorities to borrow anything from outside, therefore, their action in forcing the petitioner to make the payment to the extent of 50% of showroom value of

the impounded vehicle is against the rules as well as the observations of this court, therefore, the respondents be penalised.

During the course of hearing, it is not disputed by the learned counsel that the contempt petition was filed in January, 2020, whereas the amount of ₹4.00 lacs was deposited by the petitioner on 12.03.2020 and he never pressed his contempt by either producing the demand raised by the department, as alleged, nor challenged the said action by way of a separate writ petition. A perusal of the release order dated 13.03.2020 shows that subsequent to the order passed by the writ court, National Green Tribunal, Principal Bench, New Delhi passed another order dated 19.02.2020 in M.A.No.16 of 2020 and issued the guidelines by modifying the conditions of release of seized vehicles.

The argument of the learned counsel that the rules were never amended, therefore, the petitioner could not have been forced to deposit the amount would amount to contempt, is not worth acceptance, as the respondents have followed the order dated 19.02.2020 passed by the National Green Tribunal, therefore, the violation of order dated 16.12.2019, if any, by the respondents, cannot be construed as willful or deliberate.

Thus, finding no merit in the contempt petition, the same is dismissed and rule discharged.

July 27, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No