

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.115

CRM-M-26003-2023 (O&M)

Date of decision : 24.05.2023

Saikul @ Sekul

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. A.K. Sharma, Advocate and
Mr. Akshay Rana, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

This petition has been filed for quashing of order dated 30.11.2022 passed by the Court of learned Addl. Sessions Judge, Nuh, dismissing the revision filed in a *supardari* case.

Briefly, the facts are that on 17.10.2022, a vehicle was confiscated on the allegation of illegal mining. Application for *superdari* was dismissed by the Sub Divisional Judicial Magistrate, Ferozepur Jhirka vide order dated 03.11.2022 which was challenged by way of revision aforementioned.

A perusal of the impugned order shows that the revision has been dismissed because the vehicle of which *superdari* has been sought was involved in a second offence.

Learned counsel for the petitioner has argued that as per Rule 106 of the Haryana Minerals Concession, Stocking, Transportation of Mineral & Prevention of Illegal Mining Rules, 2012, a complaint in writing has to be made by the Director or any other authorized officer within three months of the date of the commission of offence. Offence was allegedly

no complaint has been filed as yet. Further, as per Section 21 (4A) of the Mines & Minerals (Development & Regulation) Act, 1957, anything seized under sub-section (4) can only be confiscated by an order of the Court. Neither any Court order has been passed nor a complaint in writing has been filed as yet. Thus, vehicle is bound to be released on *superdari*.

The submission is mis-conceived because the arguments raised are relevant only for quashing of the actions taken by the Mining Department. These arguments cannot be appreciated in a case filed for release of vehicle. No error has been pointed out in the orders passed by the Courts below and thus, the said orders cannot be interfered with.

For the aforementioned reasons, the petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

24.05.2023
Ramandeep Singh

Whether speaking / reasoned

Yes

Whether Reportable

No