

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

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**CWP-24624-2019
Date of Decision: 09.01.2023**

USMAN KHAN

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Arjun Atri, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents No.2 to 4 to release the vehicle Bolero Pick-Up bearing registration No.RJ-29GA-2844 on superdari.

It is not in dispute that the vehicle in question was confiscated by the investigating agency in case FIR No.335 dated 26.04.2019 under Section 13 (2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of Animal Cruelty Act, 1960 registered at Police Station Nuh, District Nuh, Haryana.

The State Counsel has taken a specific objection that the provisions of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 mandates that any application for seeking release of any confiscated vehicle has to be filed before the competent Authority, vis-a-vis the Sub Divisional Magistrate under Section 17(B) read with Section 2(D) of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015.

Faced with the above, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to take recourse to the alternative efficacious remedy available to him in accordance with law.

Disposed of as withdrawn with the liberty as aforesaid.

09.01.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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