

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6944 of 2023

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Ajay Kumar Son of Sri Surendra Singh Resident of Village-Suba Bigha
Zamuar, Police Station- Dehri On Sone District- Rohtash, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Mines Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
2. The Mines Commissioner, Department of Mines and Geology, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The Superintendent of Police, Aurangabad.
6. The Officer In Charge, Barun Police Station, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gaurav Pratap, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha (GA-7)
		Mr. AC to Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-07-2024 Heard Mr. Gaurav Pratap, learned counsel for the

petitioner and learned AC to Spl.P.P. Mines.

2. The present writ petition has been preferred for the

grant of following relief/s:-

*“That the instant writ application is
being filed for issuance of writ / writs,
order / orders, direction / directions for
commanding the respondents' authorities to
release the JD loader machine bearing
registration number BR24GA-6919 (at serial*



number 8 of the seizure memo.), which has been seized in connection in connection with Barun P.S. Case No. 366 of 2022 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Rule 04 (1A), 21 of the Mines and minerals (Development and Regulation) Act and Rules 11, 18. 43. 56 of the Bihar Minerals Concession Prevention of Illegal Mining Transportation and Storage Rules.”

3. As would reflect from the prayer itself, Barun P.S. Case No. 366 of 2022 was registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Rule 04 (1A), 21 of the Mines and minerals (Development and Regulation) Act and Rules 11, 18. 43. 56 of the Bihar Minerals Concession Prevention of Illegal Mining Transportation and Storage Rules. As per the F.I.R., alongwith the vehicle of the petitioner, numbers of other vehicles were impounded/seized for want of valid documents/challan thus having found violated the different sections of the 2019 Rules (Annexure-1 to the petition).

4. Learned counsel for the petitioner submits that a



bare perusal of a seizure list would show that of the nine vehicles which were seized/impounded, none matches his vehicle number.

5. This Court would like to incorporate the details of the seized vehicle:

“1. 12 चक्का ट्रक चेसिस संख्या MAT466420F1B02383 (पंजीयन संख्या-BR26H/6293) जिसपर लगभग 1200 घनफीट बालू बिना चालान लोड।

2. 12 चक्का ट्रक पंजीयन संख्या-BR02GB/0932 जिसपर लगभग 100 घनफीट बालू बिना चालान लोड।

3. 12 चक्का ट्रक चेसिस संख्या-MAT466404B3E13914 (पंजीयन संख्या अंकित नहीं)।

4. 12 चक्का ट्रक चेसिस संख्या-MAT466420C2G15884 (पंजीयन संख्या अस्पष्ट)।

5. स्वराज ट्रैक्टर चेसिस संख्या MBNAN48ADLTH45294 इंजन संख्या-39.1355/SBH07519 (पंजीयन संख्या अंकित नहीं) जिसके ट्रॉली पर लगभग 100 घनफीट बालू बिना चालान लोड।

6. महिन्द्रा ट्रैक्टर चेसिस संख्या-MBNAAADAPKRK02579 इंजन संख्या-RKK2DBN0791 (पंजीयन संख्या अंकित नहीं) जिसके ट्रॉली पर लगभग 100 घनफीट बालू बिना चालान लोड।

7. जे०डी० लोडर मशीन सिरियल नं०-SR12M180689, मॉडल नं०-S2212



8. जे०डी० लोडर मशीन सिरियल नं०-
SRI2B150178, मॉडल नं०- S2212

9. जे०टी० लोडर मशीन सिरियल नं०-
SRI2H200446, मॉडल नं०- S2212”

6. The transport department details of the vehicle of the petitioner bearing registration No. BR-24GA-6919 which record as under:

Screen Report GOVERNMENT OF BIHAR TRANSPORT DEPARTMENT	
Vehicle No : BR24GA6919	Registration Date : 07-04-2017
Owner's Name : SRI AJAY KUMAR	Owner's Serial : 1
Present Address : AT- SUBA BIGHA, PS- DEHRI, ROHTAS, ROHTAS,	Manufacturing Year : 2017
Father's Name: S/O - SURENDRA SINGH	No. Of Cylinder : 3
Permanent Address: AT- SUBA BIGHA, PS- DEHRI, ROHTAS, ROHTAS,	Unladen Weight : 2110
Dealer's Name : JAI NAGESHWAR ENTERPRISES	Laden Weight : 2110
Address : SAHU CINEMA OPP	Seating Capacity : 1
Vehicle Class : TRACTOR (COMMERCIAL)	Color : GREEN
Chassis No : 1PY5310EEGA011245	Horse Power : 55
Engine No : PY3029H072035	Fuel : DIESEL
Type Of Body : TRACTOR (OPEN)	WheelBase : 0
Maker's Name : JOHN DEERE INDIA PVT LTD	Tax Paid Upto : 27-03-2032
Model : 5310	Tax Rate : 33538 ONE TIME
HP/Lease	Fitness Valid Upto : 28-03-2019
Agreement with :	Previous Owner History:
Insurance Details: ANY OTHER, COMPREHENSIVE, Policy No.: DFSDF, From : 28-03-2017 To : 27-03-2019	 From - Upto - Sale Date -
Hypothecation History :	Previous Reg No :
	NOC Details (If applicable)
	NOC Issue Date :
	Issued To :



7. From the aforesaid facts it is clear that the details of the vehicle which the petitioner owns does not matches with the seizure list. However, the facts remains that his vehicle has been impounded/seized and is presently lying with the respondents-authorities.

8. The counter-affidavit though have not been filed in the Court and this Court has taken the help of the copy of the learned counsel for the petitioner and a perusal of it would show that the respondents have based their case on the report of the Police Officials wherein it has been stated that the concerned DTO gave a report that the details of the vehicle is not available in the office.

9. This Court however finds that no such report of the concerned DTO has been filed with the counter-affidavit.

10. Clearly, the petitioner has made out a case. However, again the fact remains that his vehicle remains impounded for whatever reason with the respondents.

11. In that background and since the FIR is of the year 2022, the writ petition filed in the year 2023 and no detailed counter-affidavit has been filed, instead of asking the respondent to file another reply, this Court would like the case to be disposed of with following direction:



(i) the petitioner to detail out all the facts alongwith relevant documents and prefer a petition before the respondent no. 2, the Mines Commissioner, Department of Mines and Geology, Bihar, Patna within a period of two weeks;

(ii) in case the same is preferred within two weeks, the concerned respondent shall be duty bound to take up the matter and after hearing both the petitioner as also the other side/officials, take a decision with regard to the case of the petitioner within a period of eight weeks from the date, the petition is preferred before him/her.

12. This Court observes that the order must be reasoned one and all the facts be incorporated in the said order.

13. The present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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