Neutral Citation No. (2026:JHHC:33158)

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(Cr.) No. 465 of 2026

Prakash Prajapati ... Petitioner

Versus

1. The State of Jharkhand
2. Mines Commissioner, Govt. of Jharkhand, Nepal House, Doranda, Ranchi
3. The Deputy Commissioner-cum-District Magistrate, Latehar
4. District Mining Officer, Latehar

… Respondents

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Sahil, Advocate
Mr. Avilash Kumar, Advocate

For the State : AC to Sr. AAG

Order No. 02 Dated 20th November, 2026

Heard the learned counsel for the respective sides.

The petitioner in this writ application has prayed for a direction upon the respondent No. 3 to release his JCB machine bearing registration No. JH13F-8156 which was earlier confiscated vide Confiscation Case No. 107 of 2022. The petitioner has also prayed for quashing of the order dated 12.08.2025 passed by the respondent No. 3 by which the prayer for release of the vehicle in question has been rejected. The further prayer which has been made by the petitioner is with respect to payment of compensation to the petitioner for the JCB machine of the petitioner being auctioned off by the respondent authorities.

It has been submitted by the learned counsel for the petitioner that once the proceeding of Confiscation Case No. 107 of 2022 was quashed, there was no occasion for the respondent No. 3 to have auctioned off the JCB machine of the petitioner. It has further been submitted that the petitioner deserves suitable compensation for the illegal action on the part of the concerned respondents.

Learned AC to Sr. AAG has opposed the prayer made in this application.

It appears that the JCB machine of the petitioner bearing registration No. JH13F-8156 was confiscated by the respondent No. 3 in Confiscation

Case No. 107 of 2022. After the confiscation, an auction notice was issued consequent to which the JCB machine of the petitioner was auctioned by the District Mining Officer, Latehar (respondent No. 4). Against the order dated 25.04.2023 passed in Confiscation Case No. 107 of 2022, the petitioner had approached this Court in W.P.(C) No. 5033 of 2023 which was disposed of on 11.03.2025 on account of an order passed by a Coordinate Bench of this Court in the case of **Aditya Enterprises and others v. State of Jharkhand and others** reported in **2024 SCC OnLine Jhar 2301**, wherein Rule 11(v) of the Jharkhand Mineral Prevention of Illegal Mining, Transportation & Storage) Rule, 2017 has been declared ultra vires.

Since the writ application preferred by the petitioner was disposed of on 11.03.2025 and the auction had already taken place on 29.05.2023, there was no occasion for the petitioner to make a prayer for release of the JCB machine bearing registration No. JH13F-8156. Rule 11(v) of the Jharkhand Mineral Prevention of Illegal Mining, Transportation & Storage) Rule, 2017 was declared ultra vires much after the order was passed by the confiscating authority and the auction had already taken place by then, in such circumstances, therefore, the prayer made in this writ application cannot be acceded to and consequently this writ application stands dismissed.

(RONGON MUKHOPADHYAY,J.)

20.11.2026
MK