

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

**EMG-CM no. 25/2020
in PIL no. 7/2014**
(Through Video Conferencing)

Dewakar Sharma & Another

.....Applicant(s)

Through :- Ms. Monika Kohli, Advocate
(On Video Conference from residence at
Jammu)

V/s

State of J&K and Others

.....Respondent(s)

Through :- None

HON'BLE THE CHIEF JUSTICE

(On Video Conference from High Court at Jammu)

Coram:

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

(On Video Conference from High Court at Jammu)

ORDER
27.05.2020

1. This application has been filed seeking release of vehicle, (Tipper), bearing Registration No. JK02CJ-9629, seized by the Authorized Officer, Geology and Mining Department, J&K Government at Sidhra, River Tawi and sent for its retention to Police Post, Panjthirithi, Jammu, on 16th March 2020 vide Challan /letter no. DMO/J/Seizure/2019-20/1656-57, on the ground of violating the order passed by this Court in WPPIL Nos. 19/2012, 07/2014 and 27/2014 dated 17.11.2016, as the said vehicle was found extracting/Transporting minerals (Nullah Boulders) from River Tawi at Sidhra.

2. It is contended in the application that the aforesaid vehicle has been seized for the first time for the alleged violation.

3. Objections stand filed wherein it is stated that the vehicle has been seized for the first time on account of violating the order dated 17.11.2016 passed in WPPIL No. 19/2012.

4. Considering the said plea and by consent of the parties, the aforesaid vehicle is ordered to be released in favour of the registered owner of the vehicle, subject to deposit of ₹ 50,000/- before Registrar Judicial, Jammu, with an undertaking that the aforesaid vehicle has been seized for the first time for the alleged violation and will not be used in future for such kind of violation and in case, the vehicle is seized for the second time for such kind of violation, this court may take a serious view of the matter and may not be inclined to release the vehicle.

5. It is made clear that the Jurisdictional Court having received the challan shall decide the same on merits and the amount now ordered to be deposited would be refunded in case the applicant is acquitted of the charge/charges.

6. The application stands disposed of, accordingly.

(RAJNESH OSWAL)
JUDGE

(GITA MITTAL)
CHIEF JUSTICE

Jammu
27.05.2020
Tilak