

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3224 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

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Approved for Reporting	Yes	No
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GULIBEN NATHUBHAI RATHVA
Versus
THE STATE OF GUJARAT & ORS.

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Appearance:

MR JIGAR L PATEL(11596) for the Petitioner(s) No. 1
MR. ALTAF Y CHARKHA(7271) for the Petitioner(s) No. 1
MS DIXA PANDYA AGP for the Respondent(s) No. 1,2,3

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK**

Date : 08/05/2026

JUDGMENT

1. Rule returnable forthwith. Ms. Dixa Pandya, learned AGP waives service of notice of Rule on behalf of respondents no. 1,2,3.
2. With the consent of both the parties, the matter is taken up for final hearing today.
3. Leamed counsel for the petitioner submits that the vehicle of the petitioner has been seized on 08.02.2025 by the respondent authorities and the complaint is not preferred by the authorities within stipulated period, i.e. after 45 days. Leamed

counsel submits that since the complaint has not been filed within the stipulated period, as per the Rule 12 of the Gujarat Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017, the petitioner is entitled to release of her vehicle, being Tractor having registration No.GJ-07-AN-3887, pending the proceedings. Learned counsel in support of his contentions places reliance on the order passed by the Coordinate Bench of this Court dated 8.8.2024 in Special Civil Application No.8664 of 2024.

4. Leamed Assistant Government Pleader appearing for the respondents upon instructions received from Ms.Vipul Solanki, Geologist, Chhotaudepur, submits that the complaint has been filed after the stipulated period of time under the Rules. Leamed Assistant Government Pleader submits that appropriate order may be passed in the present case.

5. In view of the aforesaid submissions, it is revealed that the complaint has not been filed within the stipulated period of time under the Rules, 2017. Various orders have been passed by this Court, wherein it has been held that it would be obligatory on the part of the investigator to approach the Court of Sessions with a written complaint and produce the seized properties before the Court within the stipulated period under the Rules. In absence of such exercise, the purpose of seizure and the bank guarantee would stand frustrated. Resultantly, the property will have to be released in favour of the person from whom it was seized without insisting for the bank guarantee.

6. In view of the fact that the vehicle in question having been

seized on 08.02.2025 and the complaint has been after 45 days, the vehicle of the petitioner be released on the following conditions:

(i) The petitioner shall file an undertaking on oath before the competent authority that the petitioner shall not transfer, alienate, part with the possession of the vehicle being Tractor having registration No.GJ-07-AN-3887 or create any charge over the vehicle in question till the conclusion of the trial.

(ii) The petitioner shall produce the vehicle being Tractor having registration No.GJ-07-AN-3887 as and when the authority or the Court concerned directs him to do so.

7. It is made clear that this Court has not gone into the merits of the case and no observation is made thereon.

8. The concerned court below shall decide the complaint on its merits in accordance with law. It is also made clear that the respondent authorities are permitted to take appropriate step(s) in accordance with law against the petitioner under the Rules, 2017.

9. In view of the aforesaid observations, the present Special Civil Application stands DISPOSED OF. Rule is made absolute accordingly. No order as to costs. Direct Service is permitted.

(HEMANT M. PRACHCHHAK,J)

ANUSRI