

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7084 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK Sd/-**

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Approved for Reporting	Yes	No
		No

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JAGABHAI KUKABHAI BAVALIYA

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. NIKHIL R OZA(9911) for the Petitioner(s) No. 1

MS DIXA PANDYA AGP for the Respondent(s) No. 1,2,3,4

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CORAM: HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**Date : 08/05/2026****ORAL JUDGMENT**

1. Leave to amend the name of the vehicle is granted.
2. **Rule.** Learned Assistant Government Pleader Ms. Dixa Pandya, waives serves of Rule on behalf of the respondents.
3. With the consent of the learned advocates for the parties, the matter is taken up for final hearing and disposal.

4. Learned advocate for the petitioner submits that the vehicle of the petitioner has been seized on 11th December, 2025 by the respondent authorities and till date, no complaint has been filed by the respondents. Learned counsel submits that since the complaint has not been filed as per provisions of the Gujarat Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017, the petitioner is entitled to release of his vehicle, being Tractor bearing registration No.GJ-13-CF-6443 pending the proceedings. Learned advocate in support of his contentions places reliance on the order passed by the Coordinate Bench of this Court dated 08th August, 2024 in Special Civil Application No.8664 of 2024.

5. Learned Assistant Government Pleader appearing for the respondents upon instructions received from Mr.J.S. Vadher, Geologist, In-charge, Surendranagar, submits that no complaint has been filed yet and that therefore, appropriate order may be passed in the present case.

6. In view of the aforesaid submissions, it is revealed that no 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.

7. In view of the enunciation of law and in absence of any complaint filed, it would not be within the authority of the respondent authority to continue seizure of the vehicle and therefore, the authority concerned is directed to forthwith release the vehicle of the petitioner. It is clarified that the present writ petition has been entertained only for the limited purpose of releasing the vehicle of the petitioner. It will be open to the petitioner to avail of the remedy available in law. It is also clarified that this order shall not preclude the officers to initiate any proceedings, in accordance with law.

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

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.

Sd/-
(HEMANT M. PRACHCHAK,J)

SURESH SOLANKI