

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13349 of 2025**

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ALABHAI SAGARAMBHAI RABARI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MS NAMRATA HARISHBHAI CHAUHAN(6534) for the Petitioner(s) No. 1

MS TANUSHREE SHRIMAL AGP for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**Date : 20/11/2025****ORAL ORDER**

1. By the present Special Civil Application, the petitioner prays for release of the TATA Hitachi Machine bearing serial No.SP20-35039 of the ownership of the petitioner, which is seized by the respondent authority since no complaint has been filed within the specified period under Rule 12(2)(b)(ii) of the Gujarat Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017.

2. The learned counsel for the petitioner submits that the complaint has been filed after three months and the same is in breach of the prevalent rules and therefore, the petitioner is entitled for release of the machine.

3. The learned AGP submits that in the present case, the petitioner has made an application along with the affidavit for the purpose of compounding of the offence pursuant to the show cause

notice dated 17.06.2025 and thereafter, the petitioner has not approached the respondent authority for compounding the same even after asking for extension of time to make the payment of penalty pursuant to the said application. The learned AGP submits that the respondent authority, under bona fide impression, did not file an appropriate complaint before the learned Special Court in view of the application filed by the petitioner, which was pending before the respondent authority. The learned AGP submits that as the petitioner did not make the payment after filing of the application, the authorities have also issued challan dated 07.08.2025 for making the payment of such penalty to compound the offence. The learned AGP submits that the petitioner has not approached the authority and straightway filed the present Writ Petition. The learned AGP submits that the written complaint has already been filed before the learned Sessions Court being Case No.97 of 2025. She submits that the impounded machine is also in the possession of the learned Special Court.

4. Considering the submissions and the subsequent events, this Court is of the considered opinion that since the complaint has been filed before the learned Special Court and the impounded machine is also now in possession of the learned Sessions Court, the petitioner is directed to approach the learned Special Court for release of the machine by making an appropriate application. If such an application is preferred, the learned Sessions Court shall decide the same expeditiously within a period of two weeks on its own merits and in accordance with law.

5. It is made clear that this Court has not gone into the merits of the case and no opinion is expressed thereon.

- 6.** The Special Civil Application accordingly stands disposed of.
No order as to costs.

(ANIRUDDHA P. MAYEE, J.)

cmk

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHANDRASHEKHAR MAHESHKUMAR KOSHTI(HC01066), Principal Pvt. Secretary, at High Court of Gujarat on 21/11/2025 18:02:12