IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 14203 of 2026

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SIDDHRAJSINH SUKHDEVSINH PARMAR
Versus
STATE OF GUJARAT & ANR.

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Appearance:
APURVA K JANI(7057) for the Petitioner(s) No. 1
MR. HENIL SHAH, AGP for the Respondent(s) No. 1,2

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CORAM: **HONOURABLE MS. JUSTICE NISHA M. THAKORE**

Date : 12/10/2026

ORAL ORDER

Draft amendment allowed. To be carried-out forthwith.

1. ***Rule***. Mr. Henil Shah, learned AGP, waives service of notice of rule on behalf of the respondents.

2. With the consent of the learned advocates for the parties, the matter is taken up for final hearing and disposal.

3. Learned advocate for the petitioner submits that the vehicle of the petitioner has been seized on 16th July, 2026 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 GJ-02 XX 8300, pending the proceedings.

Learned advocate in support of his contentions places reliance on the order passed by the Coordinate Bench of this Court dated 8th August, 2024 in Special Civil Application No.8664 of 2024.

4. Learned AGP appearing for the respondents upon instructions received from Mr. J. S. Vadra, Geologist, Surendranagar, submits that no complaint has been filed yet and that therefore, appropriate order may be passed in the present case.

5. In view of the aforesaid submissions, indisputably that no complaint has been filed within the stipulated period of time under the Rules, 2017. In this regard, it is required to be noted that 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 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.

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

8. In view of the aforesaid observations, the present Special Civil Application stands ***disposed*** of. ***Rule made absolute accordingly***. No order as to costs. ***Direct Service permitted***.

(NISHA M. THAKORE, J.)

AMAR RATHOD.../sfs/12.10

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMAR KANTILAL RATHOD(HC01074), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 12/10/2026 17:35:44