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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1462-2022

Date of Decision:-21.07.2025

Akram

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vikrant Kaundal, Advocate
for the petitioner.

Mr. Ashok Kumar Khubber, Addl. A.G., Haryana.

SUVIR SEHGAL, J.(ORAL)

1. Petitioner has approached this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of order dated 30.09.2021, Annexure P3, passed by respondent No.2, whereby an appeal filed against order dated 07.04.2021, Annexure P1, passed by Sub Divisional Magistrate, Hodal has been dismissed.

2. Counsel for the petitioner states that a vehicle bearing No.HR-74A-5264 has been confiscated as it was allegedly found to be transporting cattle for slaughter. He submits that an FIR bearing No.645 dated 14.12.2019 has been registered under Sections 279, 336 IPC and 13 (2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (for short "the HGSG Act, 2015") at Police Station Hodal, District



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Palwal. Counsel submits that an application filed under Section 17 of the HGSG Act for release of the vehicle was rejected by the SDM vide order dated 07.04.2021, Annexure P1, and petitioner remained unsuccessful in the appeal, which has been rejected vide impugned order dated 30.09.2021, Annexure P3. Counsel asserts that petitioner is the owner of the vehicle, which has been falsely implicated and as he is using the vehicle for his livelihood, it deserves to be released to him. He has placed reliance upon *Rajesh Kumar Versus State of Haryana, 2021 (2) PLR 85* and contends that the idle parking of the vehicle in the premises of the police station would not benefit anyone and rather it would diminish the value of the stationary vehicle.

3. Petition has been contested by the respondents by filing a response, wherein it has been stated that on the basis of a complaint of Gou Rakshak, a barricade was set up. Vehicle bearing No.HR-74A-5264 was intercepted and it was found that four calves, five heifers, ten cows, six bulls were being transported for slaughter. Both the occupants of the vehicle were arrested and vehicle was confiscated. During investigation, it was found that the vehicle belonged to Risaal, son of Khalil, a resident of village Alawalpur, Tehsil and District Nuh. State counsel has argued that petitioner is not the owner of the vehicle and it cannot be released to him.

4. I have heard the counsel for the parties and considered their respective submissions besides examining the documents placed on the record.

5. Petitioner claims to be an owner of the vehicle on the basis



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of special power of attorney dated 27.11.2019,, Annexure P5, executed by Risaal. He has asserted that the vehicle had been purchased by him from the registered owner on payment of consideration. Despite the alleged purchase, petitioner never applied for getting registration transferred in his name. Seized vehicle continues to be in the name of Risaal. Petitioner is, therefore, a stranger and he is not entitled to claim its possession. Applicant has to be a registered owner, which is a *sine qua non*, for filing an application for release under Section 17 (3) of the HGSG Act, 2015. In **Rajesh Kumar's case** (supra), a Coordinate Bench of this Court had ordered the release of the vehicle on superdari to the registered owner. Petitioner, therefore cannot draw any strength from the said judgment. There is no illegality in the impugned order, which does not call for any interference.

6. Finding no merit in the petition, it is dismissed with no order as to costs.

7. Liberty is, however granted to the registered owner to move an application for the release of the vehicle, if so advised.

(SUVIR SEHGAL)
JUDGE

21.07.2025
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No