

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3747 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the respondents 4 and 5 in seizing the petitioner's vehicle bearing No.AP 28 DC 7399—Tractor and Trailer, without following any procedure under statutes contemplated under Section 9Q, Sub Section 7 of the A.P.Minor Mineral Concession Rules 1966, as illegal and arbitrary and against the principles of natural justice and for a consequential direction to the respondents to give interim custody of the said vehicles to the petitioner forthwith.

The case of the petitioner is that he is the owner of vehicle No. AP 28 DC 7399 and the same was seized by the respondents on 16.02.2015 on the ground of violation of Telangana State Sand Mining Rules, 2015. Aggrieved by the same present writ petition is filed.

It is also stated that the vehicle along with sand is left open to sky and the same may get damaged due to whether conditions. He also submits that the seized vehicle has not been produced before the competent Court of law and that when the petitioner tried to make a representation as directed under the Rules, before the concerned authorities, the authorities refused to receive the same.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Mines & Geology-3rd respondent.

Learned counsel for the petitioner submits that G.O.Ms.No.3, Industries & Commerce (Mines-I) Department, dated 08.01.2015 is further amended by G.O.Ms.No.15dated 19.02.2015, wherein

penalties are provided for the offences committed for first and second time and inspite of the same, the respondent authorities are not receiving their application for release of the vehicle by imposing penalty. He further submits that in respect of the other offences, the amount to be deposited for release of vehicle pending confiscation is contemplated under G.O.Ms.No.15, dated 19.02.2015.

In view of the above, the writ petition is disposed of directing the petitioner to submit an application for release of the vehicle before the competent authority and the competent authority, within three days from the date of receipt of the application, examine whether the vehicle is used in committing the offence for the first and second time; and, if so, consider directing release of the vehicle on payment of the prescribed penalty. If, on the other hand, the vehicle is found to have been used in commission of the offence, for three or more times, the officer concerned shall consider directing release of the vehicle after deposit of amount, in accordance with Rule-12 of GO.Ms.No.15, dated 19.02.2015 and also on execution of bond along with an affidavit giving consent to produce the seized vehicle as and when required.

Accordingly, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

23.02.2015

Note: issue cc by tomorrow.

B/o.t k.

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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Date: 23.02.2015

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