

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.35141 of 2015

ORDER:

The grievance of the petitioners is as to the seizure of their Tippers bearing registration Nos. OR 09K 9077 and AP 29T 9654 respectively. It is their case that the rules framed by the Government under G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015 have not been followed. They also seek a consequential direction to the authorities to give interim custody of the vehicles to them.

Sri T. Sujan Kumar, learned counsel for the petitioners, and the learned Assistant Government Pleader for Mines and Geology agreed that the adjudication by this Court in W.P.No.34049 of 2015 would cover the present issue. A copy of the order dated 14.10.2015 passed in the said writ petition is placed on record.

For reasons alike as were mentioned in the afore-stated order and in terms thereof, this writ petition is disposed of directing the petitioners to submit representations to the third respondent for release of their vehicles. The third respondent shall, within three days from the date of receipt of such representations, examine whether the vehicles were used in the commission of offences covered by the orders of the Government in G.O.Ms.No.15 dated 19.02.2015 and G.O.Ms.No.54, Industries and Commerce (Mines.I) Department, dated 21.08.2015 and take appropriation action in the matter in accordance therewith. It shall be open to the third respondent to release the subject vehicles imposing such conditions as may be warranted in accordance with the norms, including execution of bond by the owners of the vehicles for their production in future as and when directed by the competent court, deposit of amounts and undertakings not to create third party interests.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

2nd November, 2015

Note:-

Issue CC by tomorrow.

B/o

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