

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.36431 of 2015

ORDER:

The grievance of the petitioner is as to the seizure of his Tractor bearing registration No.AP 28 DC 7399 and unregistered Trolley Chassis N.BEWRRD5TTT000442009. It is his 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. He also seeks a consequential direction to the authorities to give interim custody of the vehicle to him.

Sri V.Brahmaiah Chowdary, learned counsel for the petitioner, 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 petitioner to submit representation to the

2nd respondent for release of his vehicle. The 2nd respondent shall, within three days from the date of receipt of such representation, examine whether the vehicle was 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 2nd respondent to release the subject vehicle imposing such conditions as may be warranted in accordance with the norms, including execution of bond by the owner of the vehicle for its production in future as and when directed by the competent Court, deposit of amount and undertaking 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

07.11.2015

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