

THE HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.23748 of 2015

ORDER:

This writ petition is filed for a Writ of Mandamus to declare the action of respondents 2 to 5 in seizing the petitioners vehicles bearing Nos. 1) AP 29 V 5067, 2) TS 12 UA 2718 and 3) TS 12 UA 2719 – Goods Carriage (Lorries) of the petitioners without following any procedure under statutes contemplated under Section 9Q(7) of the A.P. Minor Mineral Concession Rules, 1966 as illegal, arbitrary and against the principles of natural justice and violative of Article 14,16,19(1)(g), 21, 300-A and 301 of the Constitution of India and for a consequential direction to the respondents to give interim custody and release of the said vehicles to the petitioners forthwith.

2. It is represented by the learned counsel for the petitioners that in similar circumstances, this Court has disposed of W.P.No.3747 of 2015 on 23.02.2015 giving certain directions and that the present case is covered by the said judgment, which is not disputed by the learned Assistant Government Pleader for Panchayat Raj (Telangana), Assistant Government Pleader for Revenue and Assistant Government Pleader for Home.

3. In view of the said representation, following the said judgment, this Writ Petition is disposed of directing the petitioners herein to submit application for release of the vehicles before the competent authority and the competent authority, within three days from the date of receipt of such application, examine whether the vehicles are used in committing the offence for the first and second time; and if so, consider directing release of the vehicles on payment of the prescribed penalty. If, on the other hand, the vehicles are found to have been used in commission of the offence, for three or more times, the officer

concerned shall consider directing release of the vehicles after deposit of amount in accordance with Rule-12 of G.O.Ms.No.15, dated 19.02.2015 and also on execution of bond along with an affidavit giving consent to produce the seized vehicles as and when required.

As a sequel thereto, miscellaneous applications, if any pending in the writ petition, shall stand closed. There shall be no order as to costs.

A.V. SETHA SAI, J

Date : 05.08.2015

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