

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3551 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents 4 & 5 in seizing the Goods Carriage vehicles bearing Nos.AP 16 TU 7506, AP 20 TB 0234, AP 20 TB 4554, AP 20 X 4554 and AP 20 W 4554 of the petitioners, without following any procedure 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 petitioners forthwith.

Learned counsel for the petitioners submits that the *lis* in the writ petition is squarely covered by the order dated 07.01.2015, passed by this Court in WP.No.40902 of 2014 and the same is not disputed by the learned Assistant Government Pleader for Home.

Recording the above said submission, the writ petition is disposed of in terms of the order dated 07.01.2015 passed by this Court in WP.No.40902 of 2014, directing the petitioners to submit a representation to the Officer who seized the vehicles for its release; the said Officer shall within three days from the date of receipt of the representation examine whether the vehicles were used in committing the offence for the first or the second time; and, if so, consider directing release of the vehicles on payment of the prescribed penalty and also execution of a bond in accordance with Rule 8(vii) of Rules being executed by the owner of the vehicle for its production as and when directed by the competent Court to which such seizure was reported by the Officer who

seized the vehicle.

The entire exercise, culminating in an order being passed, shall be completed within three days from the date of submission of the representation by the petitioners; and necessary action shall be taken for release of the vehicles, in cases falling within the ambit of Rule 18(i)(a), on payment of the prescribed penalty; and also on execution of bond being executed in terms of Rule 18(vii) of the Rules. 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

20.02.2015
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