

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3440 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the 2nd respondent in seizing HMV Goods Carriages bearing No.AP 28 TB 8499 and AP 28 TE 2247 of the petitioners under Crime No.15/2015, without following any procedure of the amended Rule 13(3), Sub rule (1) of the Telangana State Sand Mining Rules, 2015, vide G.O.Ms.No.3, Industries & Commerce (Mines.I) Department, dated 08.01.2015, 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 02.02.2015, passed by this Court in WP.No.1177 of 2015 and the same is not disputed by the learned Assistant Government Pleader for Mines and Geology.

Recording the above said submission, the writ petition is disposed of in terms of the order dated 02.02.2015 passed by this Court in WP.No.1177 of 2015, directing the respondent authorities/concerned Officer, either to immediately take steps in compliance of sub-rule (1) of Rule 13(3) of the Telangana State Sand Mining Rules, 2015, by preparing seizure report and produce the vehicles before the Competent Court to enable the petitioners to file an application under Section 451 Cr.P.C for release of their vehicles, whereupon the competent Court shall pass orders in accordance with law; or, if for any reason the Officer fails to produce the vehicles before the Competent court, petitioners be

permitted to submit an application to the concerned Officer seeking release of their vehicles. Upon receipt of the said application, the Officer concerned shall consider the same and pass appropriate orders in accordance with law, within a period of two weeks there from for release of the vehicles, by seeking sufficient security and imposing condition of production of vehicles as and when required. 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

19.02.2015

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