

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.21587 of 2008

ORDER:

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This writ petition came to be filed to declare the action of the respondents in seizing vehicle KOBELLO HTACHI Engine No.YQ1106569 Machine (Proclainer), as arbitrary and illegal and consequently to release the vehicle.

2. By an order, dated 14.10.2008, this Hon'ble Court while issuing *Rule nisi* directed the Mandal Revenue Officer, Rambilli Mandal, Visakhapatnam District, to release the petitioner's vehicle on furnishing a bank guarantee for a sum of Rs.50,000/- to the satisfaction of the Tahsildar, pending further orders.

3. It is to be noted that pursuant to the order passed by this Court, the vehicle in question was released on furnishing a bank guarantee of Rs.50,000/- to the satisfaction of Tahsildar. The averments in the affidavit filed in support of the petition would show that the vehicle in question, which is the subject matter in this writ petition, was seized while it was involved in illegal quarrying operation in survey No.156 of Haripuram Village in Rambilli Mandal of Visakhapatnam. It is also stated across the Bar that the proceedings were initiated for illegal quarrying operation.

4. A counter came to be filed stating that as per Section 21 of the MM (D&R) Act (for short, 'the Act'), all the equipment, tools, vehicles etc., are liable to be seized, which are found to have used in illegal quarrying or transportation. The release of said material equipments, have to be decided by the authority concerned before whom the proceedings are pending.

5. Therefore, making the interim order as final order, the Writ Petition is disposed of giving liberty to the petitioner to avail the remedy under law for getting release the bank guarantee. There shall be no order as to costs. Miscellaneous petitions, if any,

pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

NOVEMBER 18, 2015

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