

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7838 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in seizing the petitioners' tractors bearing Nos.AP 22 AG 6375 A and AP 22Y 8650, without following any procedure contemplated under statutes 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 petitioner forthwith.

The case of the petitioners is that they are the owners of tractors bearing Nos.AP 22 AG 6375 A and AP 22Y 8650 and the same were seized by the respondents on 24.12.2014 on the ground of violation of Telangana State Sand Mining Rules, 2015. Aggrieved by the same present writ petition is filed.

It is also stated that the vehicles along with sand is left open to sky and the same may get damaged due to weather conditions. He also submits that the seized vehicles has not been produced before the competent Court of law and that when the petitioner tried to make a representation as directed under the Rules, before the concerned authorities, the authorities refused to receive the same.

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Mines & Geology-3rd respondent.

Learned counsel for the petitioners submits that GO.Ms.No.3, Industries & Commerce (Mines-I) Department, dated 08.01.2015 is further amended by G.O.Ms.No.15 dated 19.02.2015, wherein penalties are provided for the offences committed for first

and second time and inspite of the same, the respondent authorities are not receiving their application for release of the vehicles by imposing penalty. He further submits that in respect of the other offences, the amount to be deposited for release of vehicles pending confiscation is contemplated under G.O.Ms.No.15, dated 19.02.2015.

In view of the above, the writ petition is disposed of directing the petitioners to submit applications for release of the vehicles before the competent authority and the competent authority, within three days from the date of receipt of the 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 GO.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.

Accordingly, the writ petition is disposed of. 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

24.03.2015
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Date: 24.03.2015

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