

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.29042 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of the respondents in seizing the petitioners vehicles bearing No.1) TS 06 EB 5903- AP 22 X 8836-Tractor and Trailer, 2) AP 21 TY 5580-Tractor and 3) AP 21 TY 7116-Trailer of the petitioners without following any procedure under statutes contemplated under section 9Q Sub Section 7 of the AP Minor Mineral Concession Rules 1966 as illegal, arbitrary, high handness 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 consequential directions to the respondents to give interim custody and release the petitioners vehicles 1) TS 06 EB 5903- AP 22 X 8836-Tractor and Trailer, 2) AP 21 TY 5580-Tractor and 3) AP 21 TY7116-Trailer to the petitioners forthwith.”

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) and Assistant Government Pleader for Home.

In view of the said representation, following the said judgment, the writ petition is disposed of directing the petitioners 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 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.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.V. SETHA SAI, J

September 08, 2015

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