

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.7110 OF 2016

ORDER

The prayer of the petitioner in this case is as under:

‘The Hon’ble Court may be pleased to issue an appropriate writ, order or direction more in the nature of Mandamus, declaring the action of the respondents in seizing the Tractor and Trailor bearing registered No.AP22AM 9745 and TS06CTR 8451 of mine and the Tractor and Trailor bearing registered No.AP22M 6874 and AP22D 6035 without following any procedure under statues contemplated under Section 9Q sub Section 7 of Minor Mineral Concession Rules belonging to the petitioner as being illegal, arbitrary and against the principles of natural justice and violative of Articles 14, 16, 19 (1)(g), 21, 300-A and 301 of Constitution of India and consequently direct the respondents to release the Tractor and Trailor bearing registered No. AP22AM 9745 and TS06CTR 8451 of mine and the Tractor and Trailor bearing registered No. AP22M 6874 and AP22D 6035 of the petitioners forthwith, and pass such other order or orders as are deemed fit and proper.’

As a similar issue fell for consideration before this Court in W.P.No.27998 of 2015 and also W.P.No.31936 of 2015, the writ petition is disposed of in terms of the aforestated decisions with the following directions:

The petitioners are directed to submit an 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, shall examine whether the vehicles were used in committing an offence for the first or second time and consider directing release of the vehicles on payment of the prescribed penalty. If, on the other hand, the vehicles were found to have been used in commission of an offence for three or more times, the authority concerned shall consider directing release of the vehicles after deposit of the amount in accordance with Clause 12

of G.O.Ms.No.15 dated 19.02.2015 and on execution of a bond along with an affidavit giving consent to produce the seized vehicles as and when required.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

9th MARCH, 2016

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