

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

WRIT PETITION No.27672 OF 2016

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue an appropriate writ, order or direction more in the nature of Mandamus, declaring the action of the respondents in seizing the Tractor & Trailor bearing Regd. No.TS O6 UB 0622 and AP22U 2476, without following any procedure under statutes 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 & Trailor bearing Regd. No.TS 06 UB 0622 and AP 22U 2476, of the petitioner forthwith, and pass such other order or orders as are deemed fit and proper.”

2. Heard Sri V.Brahmaiah Chowdary, learned counsel, appearing for the petitioner and learned Government Pleaders for Panchayat Raj and Rural Development, Home, Revenue and Mines and Geology, appearing for the respondents.

3. Learned counsel for the petitioner submitted that the issue involved in this writ petition is squarely covered by the decision of this Court in Writ Petition No.39888 of 2015 dated 09.12.2015 and that a large number of similar and identical cases have been disposed of directing the authorities to release the seized vehicles in terms of G.O.Ms.No.3, Industries and Commerce (Mines.I)

Department, dated 08.01.2015 as amended by G.O.Ms.No.15, Industries & Commerce (Mines.I) Department, dated 19.02.2015.

4. While concurring with the aforesaid submissions made by the learned counsel for the petitioner, the learned Government Pleaders would submit that this writ petition may be disposed of in similar lines to the order of this Court in writ petition No.39888 of 2015.

5. In view of the above, this Writ Petition is also disposed of, directing the 2nd respondent to consider the application of the petitioner dated 14.08.2016 for release of the vehicle and pass appropriate orders thereon in the light of the aforementioned G.Os within a period of three days from the date of receipt of a copy of this order.

6. Miscellaneous petitions pending consideration, if any, in the writ petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

18.08.2016
SS