

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 41880 of 2015

ORDER:

The grievance of the petitioner is with regard to the seizure of his tipper vehicles bearing registration Nos.TS 16UA 2283 and TS 16UA 3738. These vehicles were seized in the process of illegal transportation of sand. The petitioner submitted representation dated 15.12.2015 to the Assistant Director of Mines and Geology, Nizamabad District, Tahsildar, Bodhan, Nizamabad District, and the Station House Officer, Bodhan, Nizamabad District, seeking release of his vehicles in terms of the relevant Government Orders. His grievance is that no action has been taken thereupon.

2. Written instructions dated 04.01.2016 were furnished by the Assistant Sub-inspector of Police, Bodhan Police Station, Nizamabad District, to the office of the learned Government Pleader for Home wherein he stated that though a Crime was registered in the context of the illegal transportation of sand in F.I.R.No.405 of 2015 on the file of Bodhan Police Station, the subject vehicles were not deposited before the competent criminal court. He further stated that as per the instructions of the Government in GO.Ms.No.3, Industries and Commerce (Mines-I) Department, dated 08.01.2015, as modified by G.O.Ms.No.15, Industries and Commerce (Mines.I) Department, dated 19.02.2015, the petitioner would be at liberty to seek release of his vehicles upon payment of the penalty prescribed thereunder.

3. As the petitioner has already made representation dated 15.12.2015 to the competent authority seeking release of his vehicles subject to imposition of penalty, the writ petition is disposed of directing the respondent authorities to consider the petitioner's representation dated 15.12.2015 in the light of the relevant Government Orders and take appropriate action in the matter. It shall be open to the authorities concerned to impose and collect the penalty as prescribed under the relevant Government Orders as a condition precedent for release of the vehicles. This exercise shall be completed

expeditiously and in any event not later than one week from the date of receipt of a copy of this order.

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

JUSTICE SANJAY KUMAR

January 19, 2016

Note: -

Furnish copy by tomorrow.

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Lmv