

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.7795 of 2016

ORDER:

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

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that the Honourable Court may be pleased to issue an order, writ or direction more particularly in the nature of Writ of mandamus declaring the action of respondents in seizing the Vehicles bearing No.KA 53 C 0648 and KA 53 B 5778 of the petitioners without following any procedure under statutes as illegal, arbitrary and violative of Article 19, 21 of Constitution of India and consequently direct the respondents to release the vehicles from their custody and pass such other order or orders that the Hon'ble Court may deem fit and proper in the interest of justice.”

Written instructions dated 14.03.2016 furnished by the Assistant Director of Mines and Geology (Vigilance), Nellore, state to the effect that the subject vehicles were apprehended while transporting silica sand illegally. It appears that F.I.R.No.35 of 2016 was registered on the file of Chillakur Police Station upon the complaint made by the Assistant Director of Mines and Geology (Vigilance), Nellore, but no mention is made therein about production of the subject vehicles before the competent Court in relation to the said crime. As matters stand, there is no indication as to whether the mining authorities wish to proceed against the subject vehicles also.

The writ petition is accordingly disposed of permitting the petitioner to make an application to the 2nd respondent, the Assistant Director of Mines and Geology (Vigilance), Nellore, seeking release of his vehicles. In the event such an application is made, the 2nd respondent shall consider the same in accordance with law and take a decision thereon. In the event the 2nd respondent decides to release the vehicles into the custody of the petitioner, it shall be open to him to impose reasonable conditions including payment of penalty. In the event the 2nd respondent decides to proceed against the vehicles also, it shall be open to him to pass a reasoned order to that effect. This exercise shall be completed expeditiously and in any event not later

than ten days from the date of receipt of the representation of the petitioner, if any.

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

JUSTICE SANJAY KUMAR

Date:15.03.2016

Note:
Furnish C.C. tomorrow.
(B/o)
GJ/PGS