

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No. 21057 of 2017

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the Respondent No.4 in seizing the Tractors and Trailors, belonging to the Petitioner Nos.1 to 24, and keeping them in his custody, without following the procedure contemplated under the A.P. Minor Mineral Concession Rules, 1966 and the Mines and Mineral (D&R) Act, 1957 and the Rules thereunder, as arbitrary, illegal and violative of fundamental rights guaranteed by the Constitution of India, and consequently to direct the respondents to release the vehicles of the petitioners immediately.

2. Heard the learned counsel appearing for both sides and considered the material on record.

3. The learned Government Pleader for Mines & Geology and the learned Government Pleader for Home, appearing for the respondents, vehemently opposed for the release of the seized vehicles stating that the extracted sand is used for commercial purpose and the District Collector has issued some circulars regarding extraction of sand. Therefore, both the Government Pleaders prayed for dismissal of writ petition.

4. In this case, the vehicles of the petitioners are seized for the alleged illegal transportation of the sand against the Rules issued by the District Collector. However, no useful purpose will be

served in keeping the vehicles idle till the enquiry is completed. On 15.06.2017, in similar circumstances in W.P.Nos.17136 of 2017, this Court granted interim custody of the seized vehicle involved therein by imposing certain conditions, which is relied on by the learned counsel for the petitioners.

5. In view of the above and following the orders of this Court in W.P.No.17136 of 2017, dated 15.06.2017, the respondents are directed to release the vehicles to the interim custody of the petitioners, subject to condition of their furnishing third party security to the satisfaction of the competent authority and also on production of original R.C. The petitioners are further directed to furnish undertaking that they will not alienate, change the physical features of the vehicles and produce the vehicles, as and when required by the authorities, till the enquiry is concluded. This order does not preclude the authorities from conducting enquiry and passing further orders. The interim release of the seized vehicles is subject to the result of the enquiry to be completed by the authorities.

6. With the above direction, the writ petition is disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

5th July, 2017
Kv

A. RAJASHEKER REDDY, J

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