

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.12659 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a writ, order or direction more particularly one in nature of Writ of Mandamus, declaring the action of the respondents in seizing the Lorry bearing No.AP 24 TC 4219 in Crime No.155/2016 registered by the SHO, Dindi Police Station, Nalgonda District as illegal, null and void and violation of Articles 19, 21 of Constitution of India and for a consequential order directing the respondents to release the Lorry bearing No.AP 24 TC 4219 forthwith and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioner and also the learned Government Pleaders for Home and Mines and Geology for the respondents and perused the averments set out in the affidavit filed in support of the writ petition and also G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015, which is nothing but supersession of G.O.Ms.No.38, dated 12.12.2014 and modification of G.O.Ms.No.3 dated 08.01.2015, pursuant to Telangana State Sand Mining Rules, 2015 under Mines & Minerals (Development & Regulation) Act, 1957 (Central Act 67 of 1957) and Rules, 1962 made thereunder. Particularly in

Rule No.12 of G.O.Ms.No.15, there is a procedure prescribed for release of the vehicle/machinery by imposing penalty or confiscation as the case may be, after seizure.

3. Though the prayer of the writ petition is questioning the very seizure of the vehicle, it is the submission of the learned counsel for the petitioner that he is questioning the seizure of the vehicle for not following the procedure under G.O.Ms.No.15.

4. Having regard to the above, once there is no impugment of seizure but for post seizure non applying of G.O.Ms.No.15, the writ petition is disposed of directing the respondents to dispose of the seized vehicle for release either by imposing penalty or confiscation strictly in accordance with law prescribed under G.O.Ms.No.15, within one week from the date of receipt of copy of this order.

5. Accordingly, this Writ Petition is disposed of at the stage of admission. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

07.06.2017

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