

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.19578 of 2017

ORDER :

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

“to issue a writ or order more particularly one in the nature of writ of mandamus declaring the action of the respondents in seizing the petitioner vehicle bearing No.TS 05 EL 2716-JCB of the petitioner without following any procedure as envisaged under Govt.orders vide G.O.Ms.No.3 dated 8-1-2015 Industries and Commerce (Mines-I) Department and G.O.Ms.No.15 dated 19-2-2015 as illegal, arbitrary, highhandedness and against the principles of natural justice and violative of Article 14, 16, 19(1)(g). 21, 300A and 301 of the Constitution of India and consequential directions to the respondents to give interim custody and release the petitioner vehicle bearing No.TS 34 EL 2716-JCB to the petitioner 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.”

Heard learned counsel for the petitioner, respective learned Government Pleaders for Home, Mines and Geology and Revenue 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 and confiscation as the case may be, after seizure.

Though the prayer of the writ petition is questioning the very seizure of the vehicle, it is 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.

Having regard to the above, once there is no impugment of seizure but for post seizure not applying 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.

Accordingly, the Writ Petition is disposed of at the stage of admission. No costs.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:16.06.2017
vvr

Dr. B.SIVA SANKARA RAO J,

