

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21657 of 2017

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the respondents in seizing the petitioners' vehicles bearing Nos.1) AP 22 TA 4807-AP 22 TA 4806, 2) AP 22 W 3693 - AP 22 W 3694, 3) TS 06 UA 6611 and TS 06 UA 7300, 4) AP 07 BM 7742 – AP 07 W 9302 and 5) AP 23 AG 0347 - AP 22 V 3583 - Tractors and Trailers of the petitioners without following any procedure as envisaged under Govt. orders vide G.O.Ms.No.3, Industries and Commerce (Mines-I) Department, dated 08.01.2015, and G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015, as illegal and arbitrary and against the principles of natural justice and violative of Articles 14, 16, 19(1) (g), 21, 300 A and 301 of the Constitution of India and consequential directions to the respondents to give interim custody and release the petitioners' vehicles bearing Nos.1) AP 22 TA 4807-AP 22 TA 4806, 2) AP 22 W 3693 - AP 22 W 3694, 3) TS 06 UA 6611 and TS 06 UA 7300, 4) AP 07 BM 7742 – AP 07 W 9302 and 5) AP 23 AG 0347 - AP 22 V 3583 - Tractors and Trailers to the petitioners forthwith.

2. Heard both sides and perused the material available on record.

3. The case of the petitioners is that the petitioners are the owners of vehicles bearing Nos.1) AP 22 TA 4807-AP 22 TA 4806, 2) AP 22 W 3693 - AP 22 W 3694, 3) TS 06 UA 6611 and TS 06 UA 7300, 4) AP 07 BM 7742 – AP 07 W 9302 and 5) AP 23 AG

0347 - AP 22 V 3583 - Tractors and Trailers, having purchased the same for eking out their livelihood and got it registered in their names and running the said vehicles on hire. When the subject vehicles, being driven by the drivers, are proceeding from Bommaraspet Village to Vikarabad with the load of sand as per the permit, the said vehicles were checked by the 3rd respondent and kept in the custody of the 2nd respondent, without following the Government orders in G.O.Ms.No.3, Industries and Commerce (Mines-I) Department, dated 08.01.2015, and G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015.

4. Learned counsel for the petitioners submits that if the vehicles are exposed to sun and rain and are kept idle, they would be damaged.

5. Considering the facts and circumstances of the case and the grievance of the petitioners, the petitioners are directed to make applications before the concerned authority for release of the vehicles bearing Nos.1) AP 22 TA 4807-AP 22 TA 4806, 2) AP 22 W 3693 - AP 22 W 3694, 3) TS 06 UA 6611 and TS 06 UA 7300, 4) AP 07 BM 7742 – AP 07 W 9302 and 5) AP 23 AG 0347 - AP 22 V 3583 - Tractors and Trailers and on such application being made, the concerned authority shall consider the same and pass appropriate orders, in accordance with law, as expeditiously as possible, preferably, within a period of one (1) week from the date of receipt of a copy of this order, in pursuance of G.O.Ms.No.3, Industries and Commerce (Mines-I) Department, dated 08.01.2015, and G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015.

6. Accordingly, the Writ Petition is disposed of. No costs.
Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 3rd July, 2017

KL



186

THE HONOURABLE SRI JUSTICE RAJA ELANGO**WRIT PETITION No.21657 of 2017**Date: 3rd July, 2017

KL