

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

WRIT PETITION Nos.23441 and 23552 of 2017

COMMON ORDER :

These Writ Petitions are filed under Article 226 of the Constitution of India, seeking the following reliefs:

W.P.No.23441 of 2017:

“..to issue an order, writ or direction more particularly in the nature of Writ of Mandamus declaring the action of respondents in seizing the Tractors Bearing No.AP 31BB 1797 & Trailer No.AP 31TG 2982, Tractor bearing No.AP 31BU 0662 & Trailer No.AP 31TG 3803, of the petitioner 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 vehicle from their custody and pass such other order or orders that the Honourable Court may deem fit and proper in the interest of justice.”

W.P.No.23552 of 2017:

“..to issue an order, writ or direction more particularly in the nature of Writ of Mandamus declaring the action of respondents in seizing the Tractor No.AP 31BG 5517 & Trailer No.AP 30T 4280, of the petitioner 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 vehicle from their custody and pass such other order or orders that the Honourable Court may deem fit and proper in the interest of justice.”

Heard learned counsel for the petitioners and learned Government Pleader for Home appearing for respondents and perused the prayer in the writ petition with supporting affidavit and other material on record.

In fact, the respondent Authorities are entitled to seize the vehicles for the excavation and transport of sand without permission even from the permitted reaches apart from otherwise for unauthorized even how to regulate is covered by G.O.Ms.No.42 dated 29.03.2016 of Industries & Commerce (Mines-II Department).

Having regard to the above, the Writ Petitions are disposed of giving liberty to the petitioners to make representations to the Station House Officer concerned, within a period of one week from the date of receipt of copy of this order and the Station House Officer consider the same and pass appropriate orders also with reference to G.O.Ms.No.42 dated 29.03.2016, within a period of one month, thereafter.

Consequently, miscellaneous petitions, if any, pending shall stand closed. No costs.

Dr. B.SIVA SANKARA RAO J,

Date:24.07.2017

Note:

Issue C.C. in two days.

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DATE: 24.07.2017



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