

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.19010 of 2017

ORDER :

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

“to issue writ order or direction especially one in the nature of Writ of Mandamus declaring the action of the respondents 2 and 3 in not releasing the petitioner’s Goods vehicle (lorry) bearing No.AP 29 TB 7875 inspite of the petitioner is offering to pay the penalty as contemplated under G.O.Ms.No.15 dt. 19-02-2015 as illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the 2nd & 3^d respondents to release the petitioner’s Goods vehicle (lorry) by collecting penalty as per G.O.Ms.No.15 and pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice case.”

Heard learned counsel for the petitioner, learned Government Pleaders for Panchayat Raj, Home 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: 14.06.2017
pab

Dr. B.SIVA SANKARA RAO J,

