

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

WRIT PETITION Nos.18151 and 18154 of 2017

COMMON ORDER :

These writ petitions are filed to declare the seizure of the vehicles of the respective petitioners as illegal, arbitrary and consequently to direct the respondents to release them.

Heard learned counsel for the petitioners, learned Government Pleaders for Home, Panchayat Raj and Revenue for the respondents and perused the averments set out in the affidavits filed in support of the writ petitions 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 petitions is questioning the very seizure of the vehicles, it is submission of the learned counsel for the respective petitioners that they are questioning the seizure of the vehicles 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 petitions are disposed of directing the respondents to dispose of the seized vehicles 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 Petitions are disposed of at the stage of admission. No costs.

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

Date:07.06.2017
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Dr. B.SIVA SANKARA RAO J,

