

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.23710 of 2017

ORDER :

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

*“..to issue an appropriate writ, order or direction more in the nature of Mandamus, declaring the action of the respondents in seizing the Tractor and Trailor bearing No.AP 23W 4637 & AP23T8665, without following the procedure as envisaged under G.O.Ms.No.3 dated 8-1-2015 and G.O.Ms.No.15 dated 19-2-2015 of the Government belonging to the petitioner as being illegal, arbitrary and against the principles of natural justice and violative of Articles 14, 16, 19(1)(g), 21, 300-A and 301 of Constitution of India and consequently direct the respondents to release the Tractor and Trailor bearing No.AP 23W 4637 & AP23T8665, of the petitioner forthwith, and pass such other order or orders as are deemed fit and proper.”*

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 or 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:25.07.2017  
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Dr. B.SIVA SANKARA RAO J,

