

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

WRIT PETITION No.1290 of 2018

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 & 3 in not releasing the petitioner's Goods carriages (Lorries) bearing Nos.AP 07 TW 1346, TS 02 UA 3366 & AP 15 TB 4599 in spite of the petitioner offering to pay the penalty as contemplated under GO Ms 15 dt.19-02-2015 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the 2nd & 3rd respondents to release the petitioner's Goods carriages (Lorries) by collecting penalty as per GO 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.”

2. Heard both sides and perused the prayer in the writ petition with supporting affidavit and G.O.Ms.No.15 dated 19.02.2015 of Industries and Commerce (Mines-I) Department.

3. A perusal of the said G.O. particularly from para-12 clauses (3) and (4) is crystal clear that if the vehicle/ machinery is found involved in more than two times, such vehicle/ machinery along with sand shall be seized and confiscated by the license authorized mentioned therein in clause (3) and the procedure contemplated is in clause (4).

4. Having regard to the above, this Writ Petition is disposed of directing the respondents to follow the procedure contemplated by G.O.Ms.No.15 dated 19.02.2015 if the petitioner chooses to abide by.

5. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 19.01.2018

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