

WRIT PETITION No.2287 of 2018

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 particularly one in the nature of Writ of Mandamus by declaring the action of the 3rd Respondent in not releasing the petitioner's vehicle Tractor and trailer bearing no.AP-25-M-6065 in connection with a case in Cr.no.155/ 2017, Dt:18-11-2017 under section 379 IPC, Sec.21(4) of Mines & Mineral Act 1957 and Sec.3 of PDPP Act as being illegal, arbitrary, unjust and against the principles of natural justice and pass such other relief or reliefs as this Hon'ble court deems fit and proper”

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: 29.01.2018
pab