

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.2954 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 petitioners Goods carriages (Lorries) bearing Nos. TS 08 UA 0455 & TS 05 UC 1269 in spite of the petitioners offering to pay the penalty as contemplated under G.O.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 petitioners Goods carriages (Lorries) by collecting penalty as per G.O.Ms.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 authorised mentioned therein in clause (3) and the procedure contemplated is in clause (4).

4. Having regard to the above, the 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 petitioners choose to abide by.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

Dr. B. SIVA SANKARA RAO, J

1st February 2018

Note:

Issue C.C. by tomorrow.

(b/o)
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