

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

W.P. No.3167 of 2018

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed by the petitioner 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 trailer bearing No.AP15 X 1582 and AP 15 X 1584 without following any procedure under statutes contemplated under Section 9Q sub Section 7 of Minor Mineral Concession Rules 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 Lorry bearing No.TS06UA 8055 of the petitioner forthwith, and pass such other order or orders as are deemed fit and proper.

2. Heard both sides and perused the prayer in the writ petition with supporting affidavit including the 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 petitioner chooses to abide by.

Consequently, miscellaneous petitions, if any pending in this Writ Petition shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:09.02.2018

Vvr

Note: Issue copy forthwith.

b/o.vvr