

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.3459 of 2018

ORDER:

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

“.....to issue an order, writ or direction more particularly in the nature of Writ of Mandamus Under Article 226 of the Constitution of India declaring the action of 2nd respondent in detaining tractor and trailer bearing Nos.TS 04 UB 0529 & TS 04 UB 0528 of the petitioner without following any procedure under statutes as illegal, arbitrary and violative of Article 19, 21 of Constitution of India and consequential directions to the respondents to grant interim custody of vehicles (tractors and trailers) to the petitioners forthwith.”

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 petitioner chooses to abide by.

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

5th February 2018

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Dr. B. SIVA SANKARA RAO, J

