

WRIT PETITION No.3940 of 2018

ORDER:

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

“to issue any appropriate writ order or direction more particularly one in the nature of Writ of Mandamus:

- i) Declaring the action of the respondents in seizing the Tractor Registration No.AP01U6853 (Tractor Engine No.EBCWL447 along with Chasis No.EBCWL447, Trolley Chasis No.302003) with Trailer registration No.AP15AY8525, belonging to the petitioner as illegal and arbitrary and violative of Articles 19(1)(g) and 21 of the Constitution of India.
- ii) Consequently direct the respondents to release the Tractor Registration No. No.AP01U6853 (Tractor Engine No.EBCWL447 along with Chasis No.EBCWL447, Trolley Chasis No.302003) with Trailer registration No.AP15AY8525, belonging to the petitioner.
- iii) And pass such other ...”

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: 08.02.2018
pab