

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.5371 of 2018

ORDER:

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

“.....to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in seizing the petitioner vehicle Tipper bearing No.AP-01-Y-6228 without following any procedure under statutes contemplated under Section 9Q sub Section 7 of the Minor Mineral 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 tipper bearing No.AP-01-Y-6228 of the petitioner's forthwith and to 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 petitioner chooses to abide by.

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

Dr. B. SIVA SANKARA RAO, J

20th February 2018

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