

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

+ WRIT PETITION Nos.5444 and 6113 of 2018

% Dated 05.03.2018

Sri Naynari Ramesh

....Petitioner

VERSUS

\$ The State of Andhra Pradesh,
rep. by its Principal Secretary,
Mines & Geology Department,
Secretariat, Hyderabad and another.

... Respondents

! Counsel for Petitioner : Sri K. Buchi Babu

^ Counsel for Respondents : Learned Government Pleader
for Mines and Geology
for respondent No.1.

Learned Government Pleader for
Home for respondent No.2.

< GIST:

> HEAD NOTE:

? CITATIONS:

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

+ WRIT PETITION Nos.5444 and 6113 of 2018

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....Petitioner

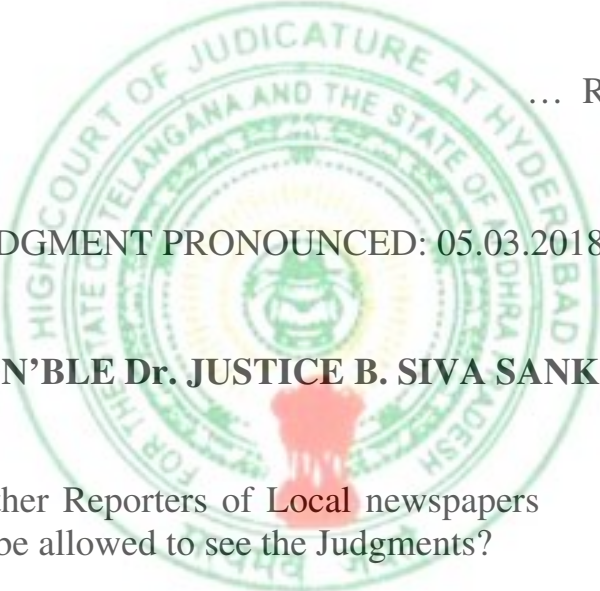
VERSUS

The State of Andhra Pradesh,
rep. by its Principal Secretary,
Mines & Geology Department,
Secretariat, Hyderabad and another.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 05.03.2018

THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

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1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No
 2. Whether the copies of judgment may be marked to Law Reporters/Journals? Yes/No
 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO**WRIT PETITION Nos.5444 and 6113 of 2018****COMMON ORDER:**

These two writ petitions are filed under Article 226 of the Constitution of India. The prayer in W.P.No.5444 of 2018 reads as follows:

“.....to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring action of the Respondents in seizing the Tractor No.TS 02 UA 7149, Trailer No.TS 02 UA 7148 without following any procedure as envisaged in G.O.Ms.No.3, dated 08.01.2015 and G.O.Ms.No.15, dated 19.02.2015, issued by the Industries & Commerce (Mines-I) Department, 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 & 301 of the Constitution of India and consequently to direct the Respondents to release the **Tractor** No.TS 02 UA 7149, Trailer No.TS 02 UA 7148 of the Petitioner forthwith the same and pass such other order or **orders as** this Hon'ble Court may deem fit and proper in the circumstances of the case and interest of justice.”

The prayer in W.P.No.6113 of 2018 reads as follows:

“.....to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring action of the Respondents in seizing the tractor bearing No.TS 02 EQ 8031, Trailer No.TS 02 EQ 8032 without following any procedure as envisaged in G.O.Ms.No.3, dated 08.01.2015 and G.O.Ms.No.15, dated 19.02.2015, issued by the Industries & Commerce (Mines-I) Department, 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 & 301 of the Constitution of India and consequently to direct the

Respondents to release the tractor bearing No.TS 02 EQ 8031, Trailer No.TS 02 EQ 8032 of the Petitioner forthwith the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and interest of justice.”

2. Heard both sides and perused the prayer in the writ petitions with supporting affidavits 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. The submission of the learned Government Pleader that the vehicle seizure is intimated to the Court and the Court dismissed the interim custody application of the writ petitioners. The dismissal applications of interim custody, no way absolve the obligation of the authorities, by virtue of G.O.Ms.No.15, to dispose of the vehicle finally including from Section 12(4)(b) which speaks of only where pending proceedings for seizure/confiscation, pursuant to the seizure, any intimation to the Court is only to enable the Court for interim custody, if at all to pass, that does not prevent the authorities to dispose of the application pursuant to G.O.Ms.No.15. Thereby they strictly follow G.O.Ms.No.15 and dispose of the vehicle on own merits. Further grievance of the petitioners, if any, is left open.

5. Having regard to the above, both the Writ Petitions are 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, in both the writ petitions shall stand closed. No costs.

Dr. B. SIVA SANKARA RAO, J

5th March 2018

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L.R. Copy to be marked – Yes.

