

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.5536 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 bearing No.TS 02 EH 6751 (Engine Chassis No.WRTK31419123604) with Trailer No.TS 02 EH 6752, 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 bearing No.TS 02 EH 6751 (Engine Chassis No.WRTK31419123604) with Trailer No.TS 02 EH 6752, belonging to the petitioner.
- (iii) And pass such other order or order's as this Court may deem fit and proper in the circumstances of the case and 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

22nd February 2018

mar

