

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.5538 of 2018

ORDER:

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

“.....to issue an appropriate writ, order or direction more in the nature of Mandamus, declaring the action of the respondents in seizing the Tractor bearing No.TS 34 T 2513 along with new Trailer without following any procedure under statutes contemplated under Section 9Q sub Section 7 of Minor Mineral Concession 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 Tractor bearing No.TS 34 T 2513 along with new Trailer, of the petitioner forthwith, and pass such other order or orders as are deemed fit and proper.”

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 and the written instructions.

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. Perused the written instructions and it is not even the written instructions that by intimation to the Court about the seizure of the vehicle that takes away the power of the authorities concerned by G.O.Ms.No.15.

5. Having regard to the above, the Writ Petition is disposed of enabling the petitioner to approach the authorities concerned and in such event, the respondents to follow the procedure contemplated by G.O.Ms.No.15, dated 19.02.2015, if the petitioner chooses to abide by. Further remedies, if any, of the petitioner are left open.

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

22nd February 2018

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Dr. B. SIVA SANKARA RAO, J

