

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.6864 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 particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.2 herein in not releasing the Tractor bearing Reg.No.AP 28 DS 0824 seized in Cr.No.8/2018 in spite of readiness of the petitioner to furnish third party surety, as being illegal, arbitrary and unjust, and consequently direct the respondent No.2 herein to release the above said Tractor, and to grant such other reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

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.

5th March 2018

mar

Dr. B. SIVA SANKARA RAO, J

