

WRIT PETITION No.7547 of 2018

ORDER:

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

“to issue writ order or direction especially one in the Nature of Writ of Mandamus declaring the action of the respondents 2 & 3 in not releasing the petitioner's Goods carriage bearing No.AP01Y9955 inspite of the petitioner offering to pay the penalty as contemplated under GO Ms 15 dt.19-02-2015 is illegal, arbitrary and violative of Article 19(1)(G) of the Constitution of India and consequently direct the 2nd & 3rd respondents to release the petitioner Goods carriages by collecting penalty as per GO Ms.No.15 and pass such ...”

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 authorized mentioned therein in clause (3) and the procedure contemplated is in clause (4).

4. Having regard to the above, this 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.

5. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 08.03.2018
pab