

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

WRIT PETITION Nos.8218, 8422 and 8745 of 2018

COMMON ORDER:

These writ petitions are filed under Article 226 of the Constitution of India, seeking the following reliefs:

W.P.No.8218 of 2018:

“to issue an appropriate writ, order or direction more in the nature of Mandamus, declaring the action of the respondents in seizing the LMV bearing No.AP24TB 9240 without following any procedure under statutes contemplated under Section 9Q and 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 the Constitution of India and consequently direct the respondents to release the LMV bearing No.AP24TB 9240...”

W.P.No.8422 of 2018:

“to issue an appropriate writ, order or direction more in the nature of Mandamus, declaring the action of the respondents in seizing the Lorry bearing No.AP29V6678 without following any procedure under statutes contemplated under Section 9Q and 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 the Constitution of India and consequently direct the respondents to release the Lorry bearing No.AP29V6678...”

W.P.No.8745 of 2018:

“to issue a writ or order more particularly one in the nature of writ of mandamus declaring action of the 2nd respondent in seizing the petitioners vehicles (Tippers) bearing Nos.TS 30 T 2277, TS 05UA 9789, TSO 05UA 6836 and TSO 05UB 1188 by registering FIR No.30 of 2018 on the file of Station House Officer, Vemulawada Rural Police Station, Rajanna Sircilla District for the offences Under Sections 379 IPC, 21(4) Mines & Minerals Act and section 3 of PDPP Act in so far as the petitioners are concerned and set aside the same by holding the same as being illegal, arbitrary and in flagrant disregard to established judicial precedents and also against the norms of G.O.Ms.No.3 Industries and Commerce (Mines-I) Department, dated 8-1-2015 as amended vide G.O.Ms.No.15 dated 19-2-2015 and amended Rules thereon, and pass such other...”

2. Heard both sides and perused the prayers 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 authorized mentioned therein in clause (3) and the procedure contemplated is in clause (4).

4. Having regard to the above, these 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.

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

Date: 16.03.2018
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JUSTICE Dr. B.SIVA SANKARA RAO

