

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.8459 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue, Industries and Home respectively for the respondents and perused the prayer in the writ petition with supporting affidavit and Form-E Transit Pass for the period from 15.02.2018, 08:51 a.m. to ascertain whether it is for 24 hours therefrom or not, as the case may be, by the authority who can say issued is the 2nd respondent-Assistant Director of Mines and G.O.Ms.No.15, dated 19.02.2015, particularly para 12 clauses 3 and 4.

2. The prayer in the writ petition reads as follows:

“.....to issue writ order or direction especially one in the Nature of Writ of Mandamus declaring the seizure of the petitioner's goods carriage bearing No.AP 01 W 2758 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and further declare the action of the respondent No.2 in insisting payment of penalty as per G.O.15, dt.19.02.2015 in spite of possessing valid way bill is also illegal and arbitrary and consequently direct the respondents 2 to 4 to release the petitioner's vehicle without collecting any penalty and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

3. It is the supporting affidavit averment that despite there is a valid permit, the vehicle is illegally seized in insisting to pay penalty adopting or following G.O.Ms.No.15 supra. The learned Government

Pleader for Mines and Home respectively submit that the vehicle seized is without valid permit, thereby G.O.Ms.No.15 is applicable.

4. Once the petitioner relies upon a permit referred supra whether that permit is valid and claim based on the permit or without permit, as the case may be, is a matter to be decided. Thereby, the Assistant Director, Mines and Geology-2nd respondent shall decide the same and pass appropriate order within two weeks whether the vehicle is liable for imposing of any penalty or confiscation as per G.O.Ms.No.15 or not, as the case may be. Further grievance of the petitioner, if any, is left open.

5. With the above direction, the writ petition is disposed of.

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

15th March 2018

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Dr. B. SIVA SANKARA RAO, J