

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.25374 of 2018

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking the following relief:

“.....to issue any appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seizing the Tractor Registration bearing No.TS 234945 (Tractor Engine No.39. 1354/FL009460A with Chassis No.WYTM30428141052) along with Trailer Registration No.TS234946, Trolley Chassis No.82021701525SRWWKNR001600502 TT, belonging to the petitioner No.1 and Tractor Registration No.TS23T0303 (Tractor Engine No.G43247 with Chassis No.923913160129, Trailer Registration No.TS23T0304 belonging to the petitioner No.2, as illegal and arbitrary and violative of Articles 19(1)(g) and 21 of the Constitution of India and pass such other order or orders as this Court may deem fit and proper in the circumstances of the case and in the interest of justice.”

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.

A perusal of the said G.O., particularly, from paragraph No.12 clauses (3) and (4), is crystal clear that if the vehicle/machinery is found involved more than two

times, such vehicle/machinery along with sand shall be seized and confiscated by the officer authorised, mentioned therein, in clause (3), and the procedure contemplated is in clause (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. There shall be no order as to costs.

23rd July, 2018.

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A.V. SESA SAI, J

