

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.29763 of 2018

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble Court may be pleased to issue an appropriate writ, order or directions more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents more particularly the respondent No.2 in seizing the loaded sand tipper bearing No.AP-16-TA-5555 of the petitioner in Crime No.88 of 2018 of PS Yellareddypet, without following any procedure as envisaged under Government Orders vide G.O.Ms.No.3, dated 08-01-2015, Industries & Commerce (Mines-I) Department and G.O.Ms.No.15, dated 19-02-2015 (Industries & Commerce (Mines-I) Department, as highly illegal, arbitrary, high handedness and against the principles of natural justice and violation of Articles 14, 16, 19(1)(g), 21, 300-A and 301 of the Constitution of India and consequently direct the respondents more particularly respondent No.2 to release the tipper bearing No.AP-16-TA-5555 to the petitioner forthwith and pass such other order or orders.”

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 para 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 officers authorised as 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.

No costs.

A.V.SESHA SAI, J

21st August, 2018

Note:

Issue C.C of the order
within two days.

B/o

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