

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 33075 of 2018**

**ORDER:**

This Writ Petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased 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.TS 02UB 9990 without following any procedure under statutes contemplated under Section 9Q 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 Constitution of India and consequently direct the respondents to release the Lorry bearing No.TS 02UB 9990 of the petitioner forthwith.”

The issue raised in the present Writ Petition is squarely covered by the order, dated 03.04.2018, passed by this Court in Writ Petition No.10962 of 2018.

Therefore, for reasons alike, this Writ Petition is also disposed of with the following directions:

“The petitioner is at liberty to approach, either, the learned Magistrate before whom the subject vehicle was said to have been produced and file application as per the procedure established by law and seek release of the same by bringing to the notice of the Court the policy decision taken by the Government and the terms of G.O.Ms.No.15, dated 19.02.2015, if the petitioner so desire; or in the alternative, he may make a request to the 2<sup>nd</sup> respondent by filing appropriate application for release of the subject vehicle and if any such application is filed before the 2<sup>nd</sup> respondent, the 2<sup>nd</sup> respondent shall pass appropriate orders as per the terms of G.O.Ms.No.15, dated 19.02.2015, after examining the competence and jurisdiction to release the same, which was said to have been produced before the Court concerned. It is needless to state that the application, if any, filed by the petitioner before either the Court or the 2<sup>nd</sup> respondent shall be disposed of on the same day in the interests of justice.”

Miscellaneous Petitions, if any pending, shall stand closed.

There shall be no order as to costs.

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**CHALLA KODANDA RAM, J**

14<sup>th</sup> SEPTEMBER, 2018.

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