

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos. 38272 & 38706 of 2018

COMMON ORDER:

- 1) Since the issue involved in both the writ petitions is identical, these writ petitions are disposed of by this common order.
- 2) Heard learned counsel for the petitioners, learned Government Pleaders for Mines & Geology, Home and Revenue.
- 3) These writ petitions came to be filed seeking issuance of writ of Mandamus, declaring the action of the respondents in seizing the lorries bearing Nos.AP-37-TC-2229, TS-07-UA-4446 and TS-07-UF-0036, without following any procedure under Statutes contemplated under Section 9Q, Sub Section 7 of Minor Mineral Concession Rules, belonging to the petitioners, as illegal and arbitrary.
- 4) It is stated by the learned counsel on both sides that the issue raised in these writ petitions is covered by orders dated 30.10.2017 and 20.09.2018 in W.P.Nos.34465 of 2017 and 34062 of 2018 respectively.
- 5) Therefore, for reasons alike, these writ petitions are also disposed of with the following directions:

“The petitioners are at liberty to approach, either, the learned Magistrate before whom the vehicles were said to have been

produced and file applications as per the procedure established by law and seek release of the vehicles bearing Nos. AP-37-TC-2229, TS-07-UA-4446 and TS-07-UF-0036, by bringing to the notice of the Court concerned the policy decision taken by the Government and the terms of the G.O.Ms.No.15, dated 19.02.2015, if the petitioners so desire; or in the alternative they may make a request to the second respondent in both the writ petitions by filing appropriate applications for release of the said vehicles; and, if any such applications are filed before the second respondent in both the writ petitions, the second respondent is at liberty to pass appropriate orders as per terms of G.O.Ms.No.15, dated 19.02.2015, after examining the competence and jurisdiction to release the vehicles, which was said to have been produced before the Court concerned. It is needless to state that the applications, if any, filed by the petitioners before either the Court or the second respondent in both the writ petitions, shall be disposed of on the same day in the interest of justice”.

6) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

29.10.2018
vhh