

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39060 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in seizing the lorries bearing Nos. AP 29 V 8249, AP 29 W 1319, AP 37TA 4500, AP 28 TB 7878 and AP 07TA 1617, without following any procedure as contemplated under Section 9 Q sub-section 7 of Minor Mineral Concession Rules, as illegal, arbitrary and against the principles of natural justice.

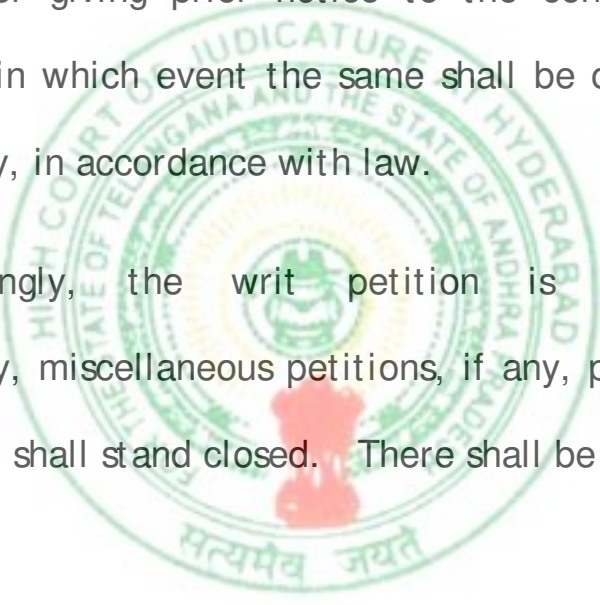
2) At the time when the matter is taken up for hearing, the Government Pleader for Mines and Geology would submit that subsequent to the seizure of the vehicle, which was found transporting sand, the vehicles are produced before the concerned Court.

3) In view of the orders passed by this Court earlier in W.P.No.31282 of 2018, learned counsel for the petitioners would submit that since the petitioners stand on the same footing as that of the petitioner in W.P.No.31282 of 2018, the subject vehicles may be directed to be released on such terms and conditions as prescribed in G.O.Ms.No.15, dated 19.02.2015.

4) It is to be noted here that in the instant case the vehicles were produced before the Court and they are now in the custody of the Court as the Court accepted the custody of the vehicles when produced before it.

5) Having regard to the facts and circumstances of the case and in view of the fact that the order passed earlier in W.P.No.31821 of 2018, the petitioners shall make an application before the concerned Court seeking release of the vehicle, after giving prior notice to the concerned Public Prosecutor, in which event the same shall be disposed of on the same day, in accordance with law.

6) Accordingly, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.


JUSTICE C. PRAVEEN KUMAR

05.11.2018

Note: Issue C.C. tomorrow.

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