

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39243 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 vehicle of the petitioner bearing No. TS 05 UC 1269 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 pursuant to the seizure of the vehicle a case in Crime No.104 of 2018 came to be registered for the offences punishable under Sections 447 and 379 IPC and Section 3 of Prevention of Damage of Public Property Act and the seized vehicle was deposited before the Court concerned on 01.10.2018.

3) In view of the orders passed by this Court earlier in W.P.No.31282 of 2018, learned counsel for the petitioner would submit that since the petitioner stands on the same footing as that of the petitioner in W.P.No.31282 of 2018, subject vehicle 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 vehicle was produced before the Court and it is now in the custody of the Court as the Court accepted the custody of the vehicle 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 petitioner 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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