

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 42611 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in seizing the lorries of the petitioners bearing Nos. TS 05 UA 6366 and TS 23T 0528, without following any procedure under Statutes contemplated under Section 90 Sub Section 7 of Minor Mineral Concessions Rules, as arbitrary, bad and illegal, and against the principles of natural justice and violative of Article 14 of the Constitution of India.

2. At the time when the matter is taken up for hearing, the Government Pleader for Mines and Geology would submit that the seized vehicles were deposited before the Magistrate concerned.

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, 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 orders passed earlier in W.P.No. 31282 of 2018, the petitioners shall make an application before the concerned Court seeking release of the vehicles, 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. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

30.11.2018
vnb



JUSTICE C. PRAVEEN KUMAR