

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 43953 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.3 in not releasing the vehicle of the petitioner i.e., the Tractor (compressor) bearing No.AP 04V 8391, as illegal.

2) Heard.

3) Learned Government Pleader for Mines and Geology would submit that respondent No.3 seized the vehicle of the petitioner on the ground that the said vehicle is being used for transporting mineral illegally which is contrary to Rules 26(1) &(3), 34(2) & 12(5) (h)(iii) of A.P.MMC Rules and that it is in the custody of respondent No.4.

4) The petitioner claims to be the owner of the vehicle. It is his case that if the said vehicle is kept idle, it would suffer technical damages.

5) Having regard to the above, since the vehicle is with the concerned authorities, the petitioner herein shall make an application before the third respondent seeking

interim custody of the vehicle, in which event the authorities shall release the vehicle as per Rule 26(3)(iii) of the A.P.Minor Mineral Concession Rules, 1966, pending further proceedings. Till conclusion of the proceedings/prosecution, the petitioner shall give an undertaking that he will not alienate the vehicle-Tractor (Compressor), create any third party rights and remove major parts of the vehicle and that the vehicle will be produced as and when required during the course of proceedings. It is also made clear that this order holds good till the conclusion of the proceedings/prosecution. Thereafter, it is open for the respondents herein to proceed in accordance with law.

6) With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel to it, miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

21.12.2018
vhb