

WRIT PETITION No. 45378 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 tractor of the petitioner bearing No. AP 23 AL 5665 (as per Registration Certificate) and trailer, without following any procedure under Statutes contemplated under Section 9Q Sub Section 7 of Minor Mineral Concessions Rules, as arbitrary, bad and illegal, and against the principles of natural justice and violative of Articles 14, 16, 19(1)(g), 21, 300-A and 301 of the Constitution of India.

2. At the time when the matter is taken up for hearing, the Government Pleader would submit that the seized vehicle was deposited before the Additional Judicial Magistrate of First Class, Sddipet.

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 stand 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.

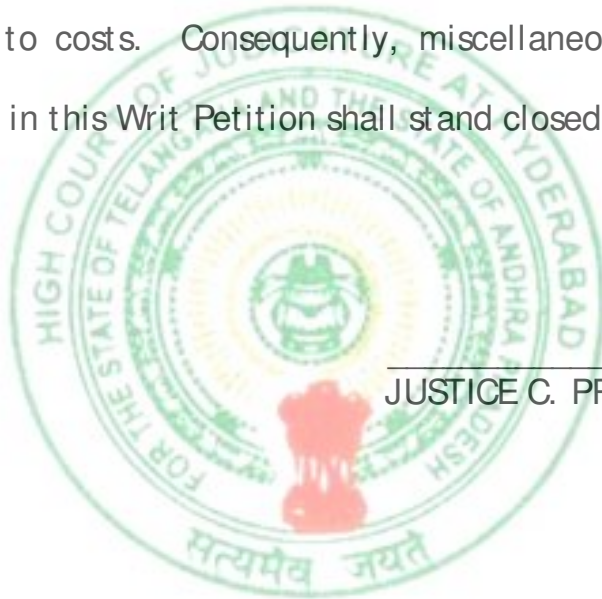
4. It is to be noted here that in the instant case, the vehicle was produced before the Court and it is now in the custody of the

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 orders passed earlier in W.P.No. 31282 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. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

17.12.2018
vhb



JUSTICE C. PRAVEEN KUMAR