

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 46566 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 tipper bearing No. MP 07 GA 3734, without following any procedure as envisaged in G.O.Ms.No.3, dated 08.01.2015 and G.O.Ms.No.15, dated 19.02.2015, issued by the Industries and Commerce (Mines-1) Department, as arbitrary and illegal, and against the principles of natural justice and violative of Articles 14, 16, 19(1)(g), 21, 300A and 301 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 Judicial Magistrate of First Class concerned.

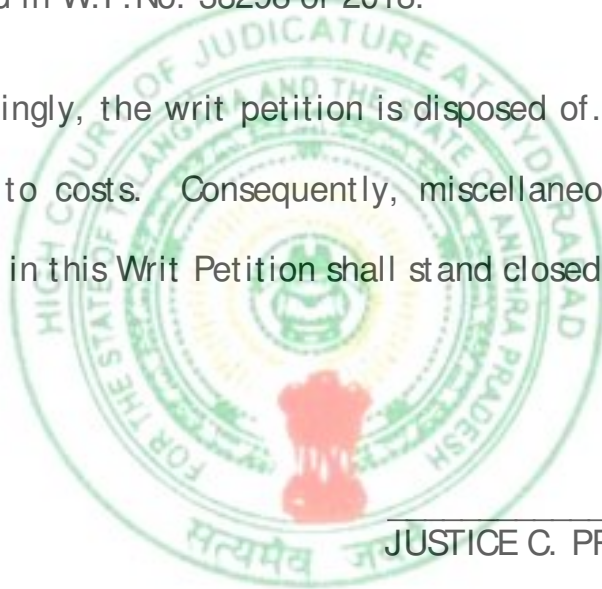
3. In view of the orders passed by this Court earlier in W.P.Nos. 10498 of 2016 and batch, learned counsel for the petitioners would submit that since the petitioner stands on the same footing as that of the petitioners in W.P.Nos. 10498 of 2016 and batch, the subject vehicle may be directed to be released 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.Nos. 10498 of 2016 and batch, 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, after taking into consideration the material facts and the orders passed in W.P.No. 38298 of 2018.

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.



JUSTICE C. PRAVEEN KUMAR

24.12.2018
DMG