

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.4198 of 2021

ORDER:

This Writ Petition is filed seeking the following relief:

“ declaring the seizure of the petitioner's Tractor & Trailer bearing No.TS 05 UE 1614 and TS 05 UE 1615 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the respondents 2 & 3 to release the petitioner's Tractor & Trailer bearing Nos. TS 05 UE 1614 and TS 05 UE 1615 by collecting penalty as per GO Ms No.15 dt.19-02-2015 and pass such other order or orders as this Hon'ble Court may deem fit, just and proper in the interest of justice.”

Heard the learned counsel for the petitioner, the learned Government Pleader for Mines and Geology, learned Government Pleader for Home and the learned Government Pleader for Revenue.

The learned counsel for the petitioner states that the matter is squarely covered by the earlier order of this Court passed in W.P.No.5711 of 2020, dated 13.03.2020, and W.P.No.4086 of 2020, dated 26.02.2020, and the same is not disputed by the respondents' counsel.

Having regard to the same, the present writ petition is disposed of with a direction to the petitioner to approach the learned jurisdictional Magistrate before whom the vehicles will be produced and file an application as per the procedure established by law and seek release of the vehicle by bringing it to the notice of the Court the Policy decision taken by the Government and the terms of G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015; and in the alternative, if the

petitioner so desires, he can make an application before the respondent No.2 for release of the vehicle, if not already filed. On such application being made by the petitioner, the second respondent shall pass appropriate orders in accordance with the terms and conditions laid down in G.O.Ms.No.15, dated 19.02.2015, and release the vehicle. It is needless to mention that if any application is filed by the petitioner either before the concerned jurisdictional Magistrate or the second respondent, they shall dispose of the same within a period of one week from the date of filing of such application for release of the vehicle, in the interest of justice.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

Date : 22.02.2021
smr/sur

A.ABHISHEK REDDY, J