

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.12908 of 2021

ORDER:

This Writ Petition is filed seeking the following relief:

" to issue a writ, order or direction more in the nature of Writ of Mandamus under Article 226 declaring the action of the respondents, particularly the 2nd respondent in seizing petitioners' vehicles TS 23T 7044: Trailer TS 23T 7043, Ashok Leyland Ltd TS 23T 4736 and TS 03UC 8408: Trailer TS 03 UC 8407 without following the procedure under the statutes contemplated under Section 9Q sub Section 7 of Minor Mineral Concession Rules is concerned, as arbitrary, illegal, violating principles of natural justice and violating Article 14, 19 [1] [g], 21 and 330A and 301 of the Constitution of India, and issue consequential directions directing the respondents to release petitioners' vehicle Tractor and Trailer bearing TS 23T 7044: Trailer TS 23T 7043, Ashok Leyland Ltd TS 23T 4736 and TS 03UC 8408: Trailer TS 03 UC 8407 is concerned, taking into account similar principle laid down by this Honorable High Court in WP No.4086/2020 dated 26.02.2020 and WP No.5602/2020 Dated 12.03.2020 and WP No.21682/2020 dated 02.12.2020 and W.P.No. 23890/2020 Dated 30.12.2020 respectively and to pass such other order or orders as it deems fit and proper in the circumstances of the case.."

Heard the learned counsel for the petitioners, the learned Government Pleader for Mines and Geology for respondent No.1 and the learned Government Pleader for Revenue for respondent Nos.2 and 3.

The learned counsel for the petitioners states that the matter is squarely covered by the earlier orders of this Court passed in W.P.No.5602 of 2020, dated 12.03.2020, and W.P.No.4086 of 2020, dated 26.02.2020, and the same is not disputed by the learned Government Pleaders.

Having regard to the same, the present writ petition is disposed of with a direction to the petitioners 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 vehicles 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 petitioners so desire, they can make an application before the respondent No.2 for release of the vehicles, if not already filed. On such application being made by the petitioners, the respondent No.2 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 vehicles. It is needless to mention that if any application is filed by the petitioners either before the concerned jurisdictional Magistrate or the respondent No.2, they shall dispose of the same within a period of one week from the date of filing of such application for release of the vehicles, in the interest of justice.

The miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

Date: 08.06.2021

va

A.ABHISHEK REDDY, J