

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI,

WRIT PETITION No.11403 OF 2022

ORDER :

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

2. In this writ petition, the petitioner is aggrieved by the action of the respondents in seizing his vehicle (Tipper) without following the procedure contemplated under Section 90 sub-section 7 of Telangana State Minor Mineral Concession Rules, 1966.

3. 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.21682 of 2020, dated 02-12-2020, and W.P.No.4086 of 2020, dated 26-02-2020, and the same is not disputed by the respondents' counsel.

4. 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 vehicle 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 and Policy decision taken by the

Government and the terms of G.O.Ms.No.15, Industries and Commerce (Mines-1) Department, dated 19.02.2015; and in the alternative, if the petitioner so desire, he can make an application before the respondent No.2 for release of his vehicle, if not already filed. On such application being made by the petitioner, the third 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 third 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. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

P.MADHAVI DEVI, J

Date: 04.03.2022

lsk/ ksk