

THE HONOURABLE SRI JUSTICE K.SARATH

WRIT PETITION No.45250 of 2022

ORDER:

This writ petition has been filed seeking a Writ of Mandamus declaring the action of the respondents in seizing the Goods Carriage HMV bearing registration No.TS-15-UE-2457, belonging to the petitioner, without following the procedure as contemplated under Section 9Q, Sub-Section 7 of Minor Mineral Concessions Rules, as illegal, arbitrary and against the principles of natural justice, and consequently direct the respondents to release the seized vehicle of the petitioner forthwith.

2. Heard learned Counsel for both sides.

3. When the matter is taken up, it is submitted by the learned Counsel for both parties that the issue in this writ petition is squarely covered by the judgment of this Court in W.P.No.8828 of 2022 dated.18.02.2022.

4. In view of the above and for the reasons recorded in the order dated 18.02.2022 in W.P.No.8828 of 2022, this 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 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, she can make an application before the 2nd respondent for release of the vehicle, if not already filed. On such application being made by the petitioner, the 2nd 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 2nd 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. There shall be no order as to costs.

5. Pending miscellaneous applications, if any, shall stand closed.

JUSTICE K.SARATH

Date: 19.12.2022

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