

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

-

**WRIT PETITION NO.65 OF 2015**

**ORDER:**

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

2. The grievance of the petitioner in this Writ Petition is that the fourth respondent has seized the petitioner's lorries bearing Registration Nos.AP 31 TW 9200, AP 31 TW 9533 and AP 31 TW 9553, without following the due process of law.

3. It is not disputed that the seizure of the vehicles for illegally transporting the sand was previously governed by G.O.Ms.No. 186 Industries and Commerce (Mines-I) Department dated 17.12.2013, but the said G.O is now superseded and substituted by G.O.Ms.No. 95 Industries and Commerce (Mines-IV) Department dated 28.8.2014.

4. It is stated by the learned counsel for the petitioner that in similar circumstances, this Court disposed of W.P.No.38357 of 2014 by order dated 16.12.2014.

5. The learned Government Pleader for Mines and Geology has not disputed the same, but however, he states that a crime is registered in this case.

6. A perusal of the order dated 16.12.2014 passed by this Court in W.P.No.38357 of 2014, shows that the learned Judge has considered Rule 18 of the Rules framed in G.O.Ms.No. 95 dated 28.8.2014 and passed the order.

7. Following the ratio laid down in the said decision, the petitioner is directed to submit a representation to the officer who seized the vehicles; the said officer shall within three days from the date of receipt of the application examine whether the vehicles were used in committing the offence for the first or the second time; and, if so, consider directing release of the vehicles on payment of the prescribed penalty. If, on the other hand, the vehicles are found to have been used in the commission of the offence for three or more times, the officer concerned shall consider directing the release of the vehicles, in accordance with Rule 18(vii), on bonds being executed by the owner of the vehicles for their production as and when directed by the competent Court to which such seizure was reported by the Officer who seized the vehicles.

8. The entire exercise, culminating in an order being passed, shall be completed within three days from the date of submission of the representation by the petitioner; and necessary action shall be taken for release of the vehicles, in cases falling within the ambit of Rule 18(i)(a), on payment of the prescribed penalty; and, in other cases, on bonds being executed in terms of Rule 18(vii) of the Rules.

9. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

---

**A.RAJASHEKER REDDY, J**

Date: 07.01.2015  
va/md