

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No.14707 OF 2014

ORDER :

This writ petition is filed by the petitioner seeking to declare the action of respondents in seizing the Vehicle Excavator (Poclain) i.e. Volvo EC 140 BLC of the petitioner without following any procedure under Statutes as illegal and arbitrary and consequently to release the said vehicle for interim custody of the petitioner.

Case of the petitioner is that he is the registered owner of the Excavator (Proclain) Volvo EC 140 BLC and the same was hired by one G.Bhupaiah, Nelatur Village, Muthukur Mandal, Nellore District, for leveling the unleveled patta land. While so, on 09.05.2014 the second respondent seized the said vehicle on the ground that the same is engaged in illicit quarrying the Slit (filling material).

It is the further case of the petitioner that he gave the said vehicle only on rent basis and he is not conducting any illegal quarry operations. As such, the seizure of his vehicle is contrary to Rule 26 of A.P. Minor Mineral Concession Rules, 1966. He further submitted that the said vehicle is under the custody of the 4th respondent and if the vehicle is kept idle, the same will get damaged and consequently the petitioner would be put to irreparable loss. It is further submitted that the petitioner is ready to abide the conditions to be imposed by the authorities concerned in the event of release of his vehicle.

It is also submitted that in similar cases viz., W.P.No.15284 of 2013, W.P.No.39088 of 2012 and W.P.No.32849 of 2011, this Court granted custody of the seized vehicles to respective owners. As such, the present writ petition also can be disposed of by granting custody of the vehicle to the petitioner.

There is no dispute with regard to the factual position and also the legal position including the disposal of the writ petitions referred supra.

In that view of the matter, present writ petition is also disposed of directing the respondents to release the vehicle in question in favour of the petitioner for interim custody subject to the following conditions:

- 1) the petitioner shall deposit an amount of Rs.30,000/- (Rupees Thirty Thousand only) before concerned authorities;
- 2) the petitioner shall furnish an undertaking to the concerned authorities that he will not alienate the vehicle in question pending the proceedings before the concerned authorities; and
- 3) he shall produce the said vehicle before the concerned authorities as and when required during the course of enquiry.

There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

G.CHANDRAIAH, J

29th May, 2014
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