

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20978 of 2015

Dated : 09.07.2015

Between:

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Nenavath Munya Naik S/o.Bhadya Naik,
Owner of Tractor bearing No.AP 28 DE 6500 and
Trailor bearing No.AP28TB 7408,
R/o.Mettugadda Thanda, Brahmanapalli Gram Panchayat,
Kistapur Post, Doma Mandal, Ranga Reddy District

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Petitioner

And

The State of Telangana,
rep., by its Principal Secretary to Home Department,
Secretariat Buildings, Hyderabad & 4 others.

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Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.21050 of 2015

ORDER :

This writ petition is filed for a Writ of Mandamus declaring the action of the respondents in seizing the petitioner Tractor Trailer bearing No.AP 28DE 6500 and AP 22TB 7408 without following any procedure under statutes contemplated under Section 9Q(7) of the A.P. Minor Mineral Concession Rules, 1966 as illegal, arbitrary and against the principles of natural justice and violative of Article 14,16,19(1)(g), 21, 300-A and 301 of the Constitution of India and for a consequential direction to the respondents to give interim custody of the said vehicle to the petitioner forthwith.

2. It is represented by the learned counsel for the petitioner that in similar circumstances, this Court has disposed of W.P.No.3747 of 2015 on 23.02.2015 giving certain directions and that the present case is covered by the said judgment, which is not disputed by the learned Assistant Government Pleader for Panchayat Raj (Telangana), Assistant Government Pleader for Revenue and Assistant Government Pleader for Home.

3. In view of the said representation, following the said judgment, the writ petition is disposed of directing the petitioner herein to submit application for release of the Tractor Trailer bearing No.AP 28DE 6500 and AP 22TB 7408, before the competent authority and the competent authority, within three days from the date of receipt of such application, examine whether the vehicle is used in committing the offence for the first and second time; and if so, consider directing release of the vehicle on payment of the prescribed penalty. If, on the other hand, the vehicle is found to have been used in commission of the offence, for three or more times, the officer concerned shall

consider directing release of the vehicle after deposit of amount in accordance with Rule-12 of G.O.Ms.No.15, dated 19.02.2015 and also on execution of bond along with an affidavit giving consent to produce the seized vehicle as and when required.

4. Accordingly, the writ petition is disposed of. As a sequel thereto, miscellaneous applications, if any pending in the writ petition, shall stand closed. There shall be no order as to cost.

**P.NAVEEN
RAO,J**

09th July, 2015.
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