

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.37790 of 2015

Date:20.11.2015

Between:

C.H.V.S.Appa Rao, S/o Demullu

..... Petitioner

And:

The State of A.P., repled., by its

Principal Secretary, Panchayat Raj

Department, Hyderabad and four others.

.....Respondents

Counsel for the Petitioner: Mr. K.Naveen Kumar

Counsel for Respondent No.1: AGP for Panchayat Raj (AP)

Counsel for Respondent Nos.2 & 4: AGP for Revenue (AP)

Counsel for Respondent No.3: AGP for Home (AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.3 in seizing the petitioner's lorry bearing registration No.AP 31 TU 0168, on the allegation that it was found transporting sand illegally, as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to release the seized lorry.

At the hearing, Mr. K.Naveen Kumar, learned counsel for the petitioner, fairly conceded that neither the date and particulars of the purported application made by the petitioner has been pleaded in the affidavit nor a copy of the same had been filed by the petitioner. He has further submitted that as per G.O.Ms.No.95, dated 28.8.2014, as amended by G.O.Ms.No.6, dated 12.01.2015, respondent No.3 shall forward the applications made by the owners of the seized vehicles to respondent No.4, who is empowered to consider and release the same as per the said G.Os.

Inasmuch as no evidence is filed before the Court by the petitioner to show that he has made an application to release the seized lorry, I am not inclined to direct the respondents to consider release of the seized lorry at this stage. However, the petitioner is permitted to make an application before respondent No.3. Within three days of making such application, respondent No.3 shall forward the same to respondent No.4. Within three days thereafter, respondent No.4 shall consider and dispose of the said application in accordance with the above-mentioned G.Os and communicate the same to the petitioner.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.48605 of 2015 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

20th November, 2015

DR