

THE HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.20650 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue Writ of Mandamus declaring the action of respondents 2 to 5 in seizing the petitioner vehicle bearing No.AP 29 TA 1199-Goods Carriage of the petitioner without following any procedure under statutes contemplated under Section 9Q Sub Section 7 of the Andhra Pradesh Minor Mineral Concession Rules 1966 as illegal, arbitrary, high handedness 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 consequential directions to the respondents to give interim custody and release the petitioner vehicle AP 29 TA 1199-Goods Carriage to the petitioner forthwith.”

The petitioner herein claims to be the owner of the vehicle bearing No.AP 29 TA 1199 goods carriage.

When the matter is taken up, learned Government Pleader for Home placed on record the written instructions dated 08.07.2015 furnished by the Sub-Inspector of Ramachandrapuram Police Station.

In the said instructions, it is stated that basing on the complaint of the Assistant Sub-Inspector of Police, Ramachandrapuram Police Station, a case in Crime No.272 of 2015 under Section 379 IPC and Section 27/35 of WALTA Act was registered on the file of Ramachandrapuram Police Station on 14.05.2015 and investigation was taken up.

It is further stated that during the course of investigation, the investigating officer secured the presence of mediators and conducted seizure panchanama and seized the crime vehicle along with loaded sand in the presence of mediators. It is also stated in the said instructions that basing on the evidence, A1 and A2 owner and driver

of the subject lorry were arrested on 06.07.2015 and remanded to judicial custody. It is also stated that there is ample evidence adduced that A1 and A2 were transporting the filter sand in the said lorry without having any valid permit or licence from the Government.

It is also stated that investigation was completed and charge-sheet under Section 173 Cr.P.C. would be filed shortly before the concerned Court. It is also stated that the seized property i.e., lorry bearing No.AP 29 TA 1199 was deposited before the Court of Additional Judicial First Class Magistrate, Sangareddy *vide* CPR No.286/15/15 dated 20.06.2015 through Form 66.

In view of the above instructions and as the subject lorry is in the custody of the Court of Additional Judicial First Class Magistrate, Sangareddy, the Writ Petition is disposed of, permitting the petitioner to make appropriate application before the Court of Additional Judicial First Class Magistrate, Sangareddy for release of the said vehicle. No costs.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

Date : 09.07.2015

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