

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.40811 OF 2015

DATED:16-12-2015

Between:

Dharavath Raju and others

... Petitioners

And

The State of Telangana
Rep. by its Principal Secretary
Home Department
Secretariat Buildings
Hyderabad
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. V. Brahmaiah Chowdary

COUNSEL FOR RESPONDENT NOs.1 and 2: A.G.P. for Home (TS)

COUNSEL FOR RESPONDENT NO.3 : A.G.P. for Mines & Geology

(TS)

COUNSEL FOR RESPONDENT NO.4 : A.G.P. for Revenue (TS)

THE COURT MADE THE FOLLOWING:

ORDER:

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This Writ Petition is filed for a Mandamus to declare the action of respondents in seizing the vehicles -- Tractors and Trailers bearing Nos.AP 24TB 5734 and AP 24TB 5735; AP 24TC 0125 and AP 24TC 0125; AP 36AE 3687 and AP 24Q 3571; and, AP 24TB 4910 and AP 24TB 4911 of the petitioners respectively -- on the ground that the same were used for illegal transportation of sand, as illegal and arbitrary. The petitioners sought for a consequential direction to the respondents to release the seized vehicles.

The petitioners pleaded that they have made applications, dated 7.12.2015 to respondent No.2 – Station House Officer, who is the competent authority, for release of the seized vehicles. Their grievance is that no action has been taken by the said respondent. Purported copies of the applications made by the petitioners to respondent No.2 for release of the seized vehicles have been filed as material papers.

At the hearing, it is submitted by the learned Counsel for both parties that as per G.O.Ms.No.3, Industries & Commerce (Mines-I) Department, dated 08.01.2015, as amended by G.O.Ms.No.15, Industries & Commerce (Mines-I) Department, dated 19.02.2015, respondent Nos.2 and 4 are competent to release the seized vehicles.

As respondent No.2 is stated to have seized the vehicles, it is appropriate that this respondent considers release of the said vehicles to the petitioners.

Therefore, if the applications of the petitioners were made to and received by respondent No.2, he shall consider the same in accordance with the above-mentioned G.Os and communicate the

decision to the petitioners within one week from the date of receipt of this order.

Learned Assistant Government Pleader for Home (AP) submitted that the petitioners have filed ownership documents pertaining to previous owner and that no documents showing ownership of the petitioners have been filed. In my opinion, when the petitioners' applications for release of the seized vehicles are pending before respondent No.2, he shall consider all the aspects, including that raised by the learned Assistant Government Pleader for Home (AP) before taking a decision for release of the seized vehicles.

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.52686 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

16-12-2015

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