

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.36637 of 2015

Date:12.11.2015

Between:

Aithagoni Laxmaiah,

S/o Narsimha

..... Petitioner

And:

The State of Telangana., repled., by its

Principal Secretary, Panchayat Raj & Rural

Development Department, Hyderabad

and three others.

.....Respondents

Counsel for the Petitioner: Ms S.Annapurna

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

Counsel for Respondent No.2: AGP for Home (TS)

Counsel for Respondent No.3: AGP for Revenue (TS)

Counsel for Respondent No.4: AGP for Mines & Geology (TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of the respondents in seizing the petitioner's lorry bearing registration No.AP 24 TA 5679, 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, Ms. S.Annapurna, learned counsel for the petitioner, fairly conceded that neither the date and particulars of the purported application made by the petitioner for release of the seized lorry has been pleaded in the affidavit nor a copy of the same had been filed by the petitioner.

Learned counsel for both parties submitted 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, both respondent Nos.2 and 3 are competent to release the seized lorry. As respondent No.3 is stated to have seized the lorry, it is appropriate that this respondent considers release of the seized lorry.

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 for release of the seized lorry. Within seven days of making such application, respondent No.3 shall consider, dispose of the same in accordance with the above-mentioned G.Os and communicate his decision 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.47198 of 2015 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

12th November, 2015

DR