

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

WRIT PETITION No.36416 of 2015

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07.11.2015

Between:

Kurmanna Chintalapolla and another

.. Petitioners

and

The State of Telangana,

represented by its Principal Secretary,

Home Department,

Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.K.Laxmaiah

Counsel for respondent Nos.1 and 2: Assistant Government Pleader
for Home (TS)

Counsel for respondent No.3: Assistant Government Pleader
for Mines and Geology (TS)

Counsel for respondent No.4: Assistant Government Pleader for Revenue (TS)

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.2 in seizing the petitioners' tractors and trailers bearing registration Nos.AP 22 W 4216 and AP 13 X 6305 and AP 22 V 7132 and AP 22 V 7131 respectively as illegal and arbitrary.

The petitioners pleaded that on 17.09.2015, respondent No.2 has seized the abovementioned tractors and trailers and that though he is under the obligation to release the same as per G.O.Ms.No.3, Industries and Commerce (Mins-I) Department, dated 08.01.2015, as amended by G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015, by collecting the prescribed penalty, he has failed to exercise his power.

The learned counsel for the petitioners submitted that his clients, under the impression that respondent No.2 is obligated to release the vehicle by collecting the prescribed penalty under the abovementioned G.Os., have not filed any application for release of the seized tractors and trailers.

In my opinion, if the petitioners want release of the seized tractors and trailers, the responsibility lies on them to make an application for their release. As the petitioners failed to do so, I am not inclined to direct respondent No.2 to release the seized tractors and trailers at this stage.

However, the petitioners are permitted to make applications before respondent No.2. Within one week of receipt of such applications, respondent No.2 shall pass appropriate orders in terms of the aforementioned G.Os.

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.46900 of 2015 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

07th November, 2015

GHN