

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION No.25758 of 2015

Between:

Pentakota Rambabu, S/o. Appala Naidu,
Aged about 48 years, Occ: business,
Lakkavaram Village,
Chodavaram Mandal,
Visakhapatnam District & another

.. Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Panchayat Raj Department,
Secretariat, Hyderabad & 3 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25758 of 2015

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ORDER:

This writ petition is filed for a Mandamus declaring the action of respondents in seizing the petitioners' lorries bearing Nos.AP 31TW 2279 and AP 31TU 0359 without following any procedure as illegal, arbitrary and violative of principles of natural justice and for consequential direction to respondents to release the said vehicle from their custody.

2. Heard the learned counsel for the petitioners, learned Government Pleader for Panchayat Raj and Rural Development (Andhra Pradesh) appearing for the 1st respondent, learned Government Pleader for Revenue (Andhra Pradesh) appearing for the 2nd respondent and the learned Government Pleader for Home appearing for respondents 3 and 4.

3. The petitioners claim to be the owners of lorries bearing Nos.AP 31TW 2279 and AP 31TU 0359. He contends that on 07.08.2015 when the petitioners were transporting the sand with valid permits, the vehicles were seized alleging that transportation of sand was made illegally. Though the drivers have shown the proof of having such permits, the same were not considered and vehicles were seized.

4. Learned counsel for the petitioners submits that such action is illegal and in similar cases, this Court has passed the orders.

5. In view of the submission and in view of the orders passed by this Court in W.P.Nos.4446 and 8360 of 2015, this Writ Petition is disposed of granting liberty to the petitioners to make appropriate applications to the Tahsildar, Anandapuram Mandal, Visakhapatnam District (2nd respondent) by enclosing the copy of the transit way bills and the documents in proof of ownership. The Tahsildar shall consider the same and after satisfying with the genuineness of transit way bills and the ownership, he shall release the vehicles forthwith. If he is not satisfied on the validity of the way bills, he shall release the vehicles subject to fulfillment of the norms laid down in G.O.Ms.No.95, dated 28.08.2014, by imposing prescribed penalty provided therein and such exercise shall be completed within a period of three (3) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 14th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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