

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.3400 of 2015

Date: 19-02-2015

Between:

Tirumalasetti Murali Mohan Rao

.. Petitioner

AND

The State of Telangana, represented by its
Principal Secretary, Panchayat Raj Department,
Secretariat, Hyderabad and 3 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.3400 of 2015

ORDER:

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This writ petition is filed for a *mandamus* declaring the action of the respondents in seizing the petitioner's lorry bearing No.AP-16-TY-9954 as illegal and arbitrary and for a consequential direction to the respondents to release of the said vehicle.

2. The case of the petitioner is that on 20-01-2015 at about 12.00noon when the petitioner's lorry bearing No.AP-16-Y-9954 is plying with load of sand, the 3rd respondent police stopped the lorry at Meharnagar village and asked the documents and as the driver failed to produce the documents, the 3rd respondent police seized the said vehicle on the ground of violation of Telangana State Sand Mining Rules, 2015 under the cover of Panchanama and kept the same under safe custody of the 3rd respondent police station and issued a show cause notice on

29-01-2015. Aggrieved by the same, the present writ petition is filed.

3. The learned counsel for the petitioner submits that the vehicle was given on lease to third party and he is not aware of transportation of sand and he has no knowledge about the same.

4. It is represented that G.O.Ms.No.3, Industries and Commerce (Mines-I) Department, dated 08-01-2015 is further amended by G.O.Ms.No.15, dated 19-02-2015 wherein penalties are provided for the offences committed for first and second time and in spite of the same, the respondent authorities are not receiving his application for release of the vehicle by imposing penalty and that in respect of other offences, the amount to be deposited for release of vehicle pending confiscation is contemplated under G.O.Ms.No.15, dated 19-02-2015.

5. In view of the facts and circumstances, I deem it appropriate to direct the petitioner to submit his application for release of the vehicle before the competent authority and the competent authority shall, within three days from the date of receipt of such application, examine whether the vehicle is used in committing the offence for the first and second time; and if so, consider directing release of the vehicle on payment of the prescribed penalty by the petitioner. If, on the other hand, the vehicle is found to have been used in commission of the offence, for three or more times, the officer concerned shall consider directing release of the vehicle after deposit of amount in accordance with Rule 12 of G.O.Ms.No.15, dated 19-02-2015 and also on execution of bond along with an affidavit by the petitioner giving consent to produce the seized vehicle as and when required.

With the above direction, the writ petition is disposed of.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 19-02-2015

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