

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

WRIT PETITION No.39888 of 2015

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09.12.2015

Between:

Mohd. Saleem

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Home Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.K.Laxmaiah for Mr.V.Brahmaiah Chowdary

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)

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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 petitioner's lorry bearing registration No. AP 28 TE 9184 as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to release the seized vehicle.

The petitioner pleaded that on 12.11.2015, respondent No.2 has seized the aforementioned vehicle on the allegation that it was used for illegal transportation of sand and that he has made an application, dated 01.12.2015, to respondent No.2, who is the competent authority, for release of the seized vehicle. The petitioner's grievance is that no action has been taken by respondent No.2 on his application so far.

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 No.2, who is stated to have seized the vehicle, is competent to release the seized vehicle.

In view of the above noted facts, it is appropriate that respondent No.2 considers release of the seized vehicle. Since the petitioner has already submitted his application, dated 01.12.2015, to the said respondent, he is directed to consider the same and pass appropriate orders as per the aforementioned G.Os. for release of the seized vehicle within a period of three days from the date of receipt of a copy of this order.

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.51486

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

C.V.NAGARJUNA REDDY, J

09th December, 2015
GHN