

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.30214 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of the respondents in seizing the petitioner vehicle bearing No.AP 21 TZ 1168-AP 21 TU 1826-Tractor and Trailer of the petitioner without following any procedure under statutes contemplated under section 9Q Sub Section 7 of the AP Minor Mineral Concession Rules 1966 as illegal, arbitrary, high handedness and against the principles of natural justice and violative of Article 14,16,19(1) (g), 21, 300 A and 301 of the Constitution of India and consequential directions to the respondents to give interim custody and release the petitioner vehicle AP 21 TZ 1168-AP 21 TU 1826-Tractor and Trailer to the petitioner forthwith.”

It is represented by the learned counsel for the petitioners that in similar circumstances, this Court has disposed of W.P.No.3747 of 2015 on 23-02-2015 giving certain directions and that the present case is covered by the said judgment, which is not disputed by the learned Assistant Government Pleader for Panchayat Raj (Telangana) and Assistant Government Pleader for Home.

In view of the said representation, following the said judgment, the writ petition is disposed of directing the petitioners to submit application for release of the vehicles before the competent authority and the competent authority, within three days from the date of receipt of such application, examine whether the vehicles are used in committing the offence for the first and second time; and if so, consider directing release of the vehicles

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September 16, 2015

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