

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.5809 of 2015

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Between:

1. D. Anjaiah and another

PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary,
Panchayat Raj Department, Secretariat Buildings, Hyderabad
and others.

RESPONDENTS

ORDER:

This writ petition is filed for a writ of Mandamus declaring the action of the respondents 4 and 5 in seizing the petitioners' vehicles i.e., Tractors -Trailers bearing Nos. AP24AG8739 & AP36A8911, AP29U2350 AP29U2348 without following the procedure contemplated under Sub-section (7) of Section 9Q of the A.P. Minor Mineral Concession Rules 1966, as illegal, arbitrary and against the principles of natural justice and for a consequential direction to the respondents to give interim custody of the said vehicle 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 fact is not denied or disputed by the learned Assistant Government Pleader for Panchayat Raj (Telangana), Assistant Government Pleader for Revenue and Assistant Government Pleader for Home.

In view of the said representation, following the said judgment, the writ petition is disposed of directing the petitioner to submit an applications for release of the vehicles before the competent authority and the competent authority, within three days from the date of receipt of such application, shall 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 on payment of the prescribed penalty. If, on the other hand, the vehicles are found to have been used in commission of the offence for three or more times, the officer concerned shall consider directing release of the vehicles 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 giving consent to produce the seized vehicles as and when required. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

A. RAJASHEKER REDDY, J.

10th March, 2015
Js.

Note: Issue C.C. in two days.