

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

FRIDAY, THE NINETH DAY OF OCTOBER TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.33353 of 2015

Between:

Poojari Mallesh, S/. Narsimulu,
Aged 40 years, Occ: Owner of the vehicle
Bearing N.AP 22 Y 8379-Lorry,
R/o. Sooraram Village, Balanagar Mandal,
Mahaboobnagar District & another

.. Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary to Home Department,
Secretariat Buildings, Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.33353 of 2015

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ORDER:

Questioning the action of the respondents in seizing the vehicles bearing registration Nos. AP 22 Y 8379 and AP 22 TA 2619 belonging to the petitioners without following the due procedure, the petitioner filed the present writ petition.

2. 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 Pleaders appearing for the respondents.

3. In view of the said representation, following the said judgment, the

Writ Petition is disposed of directing the petitioners to submit an application for release of the vehicles before the competent authority and the competent authority shall, within three (3) 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 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, Industries and Commerce (Mines-I) Department, dated 19.2.2015, and also on execution of bond along with an affidavit giving consent to produce the seized vehicles as and when required. Learned counsel for the petitioner submits that the vehicle of the petitioner involved in commission of crime and no crime is registered against him. If that is so, the respondent Tahsildar is directed to consider whether the vehicle of the petitioner is involved and any crime is registered. If no crime is registered, the vehicle should be released without imposing any conditions. If the Tahsildar is of the opinion that the vehicle is involved in committing illegal transportation of sand and a crime is registered, then he shall follow the procedure as intended in G.O.Ms.No.95 read with G.O.Ms.No.6. 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: 9th October, 2015

Note: Issue C.C. by 14.10.2015.

(B/o.)

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.33353 of 2015

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Date: 9th October, 2015

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