

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.4439 of 2015

Date: 25-02-2015

Between:

Kammari Ananda Kumar and 2 others

.... Petitioners

AND

The State of Telangana, represented by its
Principal Secretary to Panchayat Raj Department,
Hyderabad and 4 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.4439 of 2015

ORDER:

This writ petition is filed for a writ of *Mandamus* declaring the action of the respondents 4 and 5 in seizing the petitioners' goods vehicles bearing Nos.AP-13 X 9963, AP 28 Y 1062 and AP 28 TA 6045 respectively without following any procedure under statutes contemplated under section 9Q sub section 7 of the AP Minor Mineral Concession Rules 1966 as illegal, arbitrary and against the principles of natural justice and for a consequential direction to the respondents 2 to 4 to release the petitioners' vehicles by collecting penalty as per rules.

2. It is represented by the learned counsel for the petitioners that in similar circumstances, this Court disposed of W.P.No.3747 of 2015 on 23-02-2015 giving certain directions and that the present case is squarely covered by the said judgment, which is not disputed or

denied by the learned Assistant Government Pleader for Panchayat Raj (Telangana), Assistant Government Pleader for Revenue and Assistant Government Pleader for Home.

3. In view of the said representation, following the ratio laid down in the said judgment, the writ petition is disposed of directing the petitioners to submit their independent applications for release of their vehicles before the competent authority and the competent authority shall, 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 on payment of the prescribed penalty by the petitioners. 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 GO.Ms.No.15 Industries and Commerce (Mines-I) Department, dated 19-02-2015 and also on execution of bond along with an affidavit by the petitioners giving consent to produce the seized vehicles as and when required.

Accordingly, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 25-02-2015

Ksn