

**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.33352 of 2015

Between:

Vadla Sathyam, S/o. Pedda Gangaram,
Aged about 55 years, R/. H.No.44-100,
Pulkal Village of Bichkunda Mandal,
Nizamabad District.

.. Petitioner

AND

State of Telangana,
Rep. by its Principal Secretary,
Industries and Commerce (Mines) Dept.
Secretariat Buildings, Hyderabad & 2 others

.. Respondents

The Court made the following:

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ORDER:

The grievance of the petitioner is that even though he has valid permit, his vehicle i.e., tractor and trailer bearing Nos.TS 16 EE 2531 and AP 25 AA 9667 was seized by the Tahsildar, Bichkunda Mandal, Bichkunda, Nizamabad District (3rd respondent) and so far the custody of the vehicles was not given causing grave hardship to the petitioner.

2. Learned counsel for the petitioner contends that even though a complaint was lodged with the local police alleging seizure of the vehicle, so far the vehicle is not produced in the concerned Court. Therefore, the petitioner cannot move any application before the concerned Court for release of the vehicle. Learned counsel further submits that in similar matters, this Court granted order for release of the vehicle subject to fulfillment of conditions as prescribed in G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated 28.08.2014, subject to production of ownership documents and also with an undertaking that the petitioner shall not create third party interest and shall produce the vehicle as and when required.

3. Learned Assistant Government Pleader also represented that Rule 13 is further amended, notification of which was issued vide G.O.Ms.No.54, Industries and Commerce (Mines-I) Department, dated 21.08.2015. This Rule mandates that after collection of penalty on the excess quantity, the vehicle should be referred to Transport and Commercial Tax Departments for taking necessary action.

4. Having regard to the above, these writ petitions are disposed of, directing the petitioners to submit representations to the 2nd respondent who seized their vehicles, for release of the vehicles. The said officer shall, within three days from the date of receipt of the representations, examine whether the vehicles were used in the commission of the offence as prohibited by G.O.Ms.No.95 Industries and Commerce (Mines-IV) Department, dated 28.08.2014 and the officer concerned shall release the vehicles, by duly observing relevant provisions of Para 18 of the Orders, and with such conditions as warranted, including execution of bond by the owner of the vehicles for its production as and when directed by the competent Court, to which such seizure was reported as a consequent to complaint lodged by the Officer, who seized the vehicles; deposit of amount; and not to create third party interest. 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. If the vehicle is required to be referred to Transport and Commercial Tax Departments for taking necessary action, as required by Rule 13 as amended, he shall do so.

5. With the above observations, all the Writ Petitions are disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these writ petitions 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

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WRIT PETITION No.33352 of 2015

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Date: 9th October, 2015

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