

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.41202 of 2015

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18.12.2015

Between:

P.Rajaiah

.. Petitioner

and

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

.. Respondents

Counsel for the petitioner: Mrs.S.Annapurna

Counsel for respondent No.1: Assistant Government Pleader
for Panchayat Raj and Rural Development (TS)

Counsel for respondent No.2: Assistant Government Pleader for Home (TS)

Counsel for respondent No.3: Assistant Government Pleader
for Revenue (TS)

Counsel for respondent No.4: Assistant Government Pleader
for Mines and Geology (TS)

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.2 in seizing the petitioner's tractor and trailer bearing registration Nos. AP 22 N 5281 and AP 22 TA 6019 and registering Crime No.135 of 2015, as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to release the seized vehicles.

The petitioner pleaded that on 08.10.2015, respondent No.2 has seized the aforementioned vehicles on the allegation that they were used for illegal transportation of sand and the aforesaid crime was registered in respect thereof and that thereafter, he has made application, dated 08.12.2015, to respondent No.2, who is the competent authority, for release of the seized vehicles. His grievance is that no action has been taken by respondent No.2 on his application so far.

At the hearing, it is submitted by the learned counsel for both parties that as per G.O.Ms.No.3, Industries & Commerce (Mines-I) Department, dated 08.01.2015, as amended by G.O.Ms.No.15, Industries & Commerce (Mines-I) Department, dated 19.02.2015, respondent No.2, who is stated to have seized the vehicles, is competent to release the seized vehicles.

In view of the above noted facts, it is appropriate that respondent No.2 considers release of the seized vehicles. Since the petitioner has already made his application, dated 08.12.2015, to the said respondent, he is directed to consider the same and pass appropriate orders as per the aforementioned G.Os. for release of the seized vehicles within a period of three days from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.53192 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

18th December, 2015
GHN