

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

WRIT PETITION NO.40738 OF 2015

DATED:16-12-2015

Between:

Mudavath Megya
and others

... Petitioners

And

The State of Telangana
Rep. by its Principal Secretary (Panchayat Raj &
Rural Development)
Secretariat of Telangana
Hyderabad
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. Janardhana Reddy Ponaka

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Panchayat Raj (TS)

COUNSEL FOR RESPONDENT NO.2: A.G.P. for Home (TS)

COUNSEL FOR RESPONDENT NO.3: A.G.P. for Revenue (TS)

THE COURT MADE THE FOLLOWING:

ORDER:

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This Writ Petition is filed for a Mandamus to declare the action of respondent No.2 – Station House Officer in seizing the vehicles -- Tractors and Trailers bearing Nos.AP 22AE 3357 and AP 27G 8476; AP 22AF 4109 and AP 22AF 4110; AP 22X 1443 and AP 22T 6351; AP 01X 4256 and AP 01V 8448; AP 02W 3630 and AP 22U 2617 of petitioner Nos.1 to 5 respectively; and JCB bearing No.AP 21AF 0586 of petitioner No.6 -- on the ground that the same were used for illegal transportation of sand, as illegal and arbitrary. The petitioners sought for a consequential direction to the respondents to release the seized vehicles.

The petitioners pleaded that they have made applications, dated 10.12.2015 to respondent No.3 - Tahsildar, who is the competent authority, for release of the seized vehicles. Their grievance is that no action has been taken by the said respondent. Purported copies of the applications made by the petitioners to respondent No.3 for release of the seized vehicles have been filed as material papers.

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 Nos.2 and 3 are competent to release the seized vehicles.

As respondent No.2 is stated to have seized the vehicles, it is appropriate that this respondent considers release of the said vehicles to the petitioners. Since the petitioners have not made representations to the said respondent, they are directed to make representations before him for such release. Within three days of receipt of the said representations, respondent No.2 shall consider the same and pass

appropriate orders as per the above-mentioned G.Os., for release of the seized vehicles.

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.52506 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

16-12-2015

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