

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.5460 of 2015

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Between:

Jathavath Hathiram

PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary,
Panchayat Raj Department, Secretariat Buildings, Hyderabad
and others.

RESPONDENTS

ORDER:

This writ petition is filed for a writ of Mandamus declaring the action of the respondents 4 and 5 in seizing the petitioner's goods carriage vehicle bearing No.AP29TA7272, without following the procedure contemplated under Sub-section (7) of Section 9Q of the A.P. Minor Mineral Concession Rules 1966, as illegal, arbitrary and against the principles of natural justice and for a consequential direction to the respondents to give interim custody of the said vehicle to the petitioner forthwith.

It is represented by the learned counsel for the petitioner 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 fact is not denied or disputed by the learned Assistant Government Pleader for Panchayat Raj (Telangana), Assistant Government Pleader for Revenue and Assistant Government Pleader for Home.

In view of the said representation, following the said judgment, the writ petition is disposed of directing the petitioner to submit an application for release of the goods vehicle before the competent authority and the competent authority, within three days from the date of receipt of such application, shall examine whether the vehicle is used in committing the offence for the first and second time; and if so, consider directing release of the vehicle on payment of the prescribed penalty. If, on the other hand, the vehicle is found to have been used in commission of the offence for three or more times, the officer concerned shall consider directing release of the vehicle after deposit of amount in accordance with Rule-12 of G.O.Ms.No.15, dated 19.02.2015 and also on execution of bond along with an affidavit

giving consent to produce the seized vehicle as and when required.
No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

A. RAJASHEKER REDDY, J.

10th March, 2015
Js.

Note: Issue C.C. in two days.