

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.501 of 2015

Date: 20-01-2015

Between:

Masineni Padmavathi and 8 others

.. Petitioners

AND

The State of Telangana, represented by its

Secretary, Panchayat Raj Department, Secretariat

Hyderabad and 12 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.501 of 2015

ORDER:

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The writ petition is filed for a mandamus declaring the action of the respondents 4 to 13 in seizing the petitioners' vehicles bearing Nos.AP 28 T D 0689, AP 24 TA 6269, AP 24 TA 6359, AP 29 V 7989, AP 28 TE 9699, AP 22 TA 4599, AP 22 G 9097 & AP 22 G 9098, AP 22 S 6417 & AP 22 S 6418, AP 24 TA 8823 & AP 24 TA 8822-Tractors & Trailers, AP 28 TE 1809-Goods Carriage of the petitioners without following any procedure under the statute contemplated under section 9Q Sub Section 7 of the AP Minor Mineral Concession Rules 1966 as illegal, arbitrary and for a consequential direction to the respondents to

release the vehicles of the petitioners.

2. When the matter is taken up for hearing, learned counsel for the petitioners stated that this court, in similar circumstances, disposed of W.P.No.176 of 2015 on 07-01-2015 and W.P.No.22344 of 2014 dated 06-08-2014 and the subject matter of the present writ petition is squarely covered by the said order, and the same is not disputed or denied by the learned Government Pleader for Home.

3. In view of the said representation, following the said judgment, this writ petition is disposed of directing the petitioners to submit an application under the amended Rule 9-Q(1)(i) and (ii) read with Rule 9-Q(6) of the Rules notified in G.O.Ms.No.186, dated 17.12.2003, to the officer, who seized the vehicles; the said officer shall, within three days from the date of receipt of the application, examine whether the vehicles were used in committing the offence for the first and the second time; and, if so, consider directing release of the vehicles on payment of the prescribed penalty. If, on the other hand, the vehicles are found to have been used in the commission of the offence, for three or more times, the officer concerned shall consider directing release of the vehicles, in accordance with Rule 9-Q (6), on a bond being executed by the owners of the vehicles for their production as and when directed by the Court.

4 . The entire exercise, culminating in an order being passed, shall be completed within three days from the date of submission of the representation by the petitioners; and necessary action shall be taken for release of the vehicles, in cases falling within the ambit of Rule 9-Q(1)(i) of the Rules, on payment of the prescribed penalty; and, in other cases, on a bond being executed in terms of Rule 9-Q(6) of the Rules. Similar order has also been passed in W.P.No.15938 of 2014 on 11.06.2014.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 20-01-2015

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