

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

WRIT PETITION No.41322 of 2015

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21.12.2015

Between:

Mavilla Rajendhar

.. 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: Mr.Janardhana Reddy Ponaka

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)

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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 Mahindra Van bearing registration No.AP 09 VQTR 1048 and registering Crime No.170 of 2015 of Addakal Police Station, as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to release the seized vehicle.

The petitioner pleaded that on 03.10.2015, respondent No.2 has seized his vehicle on the allegation that it was used for illegal transportation of sand and the aforesaid crime was registered in respect thereof and that thereafter, he has made application, dated 10.12.2015, to respondent No.3 for release of the seized vehicle. His grievance is that no action has been taken by respondent No.3 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 vehicle, is the competent authority to release the seized vehicle.

In view of the above noted facts, it is appropriate that respondent No.2 considers release of the seized vehicle. Since the petitioner is stated to have already made his application, dated 10.12.2015, to respondent No.3, and the same is stated to have been pending, the latter is directed to forward the same to respondent No.2, who shall consider the same and pass appropriate orders, as per the aforementioned G.Os., for release of the seized vehicle, within a period of three days from the date of receipt of the application by him.

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.53343 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

21st December, 2015

GHN