

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

MONDAY THE TWENTYFIRST DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 29466 OF 2015

Between:

Sareddy Obul Reddy ... Petitioner

Vs.

The State of Andhra Pradesh
Represented by its Prl.Secretary,
Home Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Smt. P. Vijaya Lakshmi

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 29466 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“To declare the action of the respondents in seizing the vehicles bearing Nos. AP-04-TT-958 and AP-04-TT-9659 of first petitioner and AP-04-AU-8383 and AP-04-AU-8384 of second petitioner while vehicles are transporting sand from their patta land situated in survey No.46 of Potladurthi village for domestic purpose as arbitrary, illegal, unjust, unconstitutional and contrary to A.P. Minor Mineral Concession Rules, 1966 and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. When the matter is called, written instructions furnished by the Sub-Inspector of Police, Proddatur I-Town Police Station, Kadapa district have been placed by the learned Government Pleader for Home for the respondents.

3. The written instructions, reads as under:

“On 08/09/2015 at 06:00 a.m. two tractors attached with trailers bearing No. AP-04-TT-9658/9659 and AP-04-AV-8383/AP-04-TT-8384 found loaded with sand found coming into the town from Penna river side on Yerraguntla bye-pass road, Rameswasram, Proddatur town. I stopped and checked the above two tractors. Both the above tractors carrying sand in their respective trailers. When asked the crew of the above tractors to produce any permit or letter from authorized person or the royalty papers regarding transportation of the sand in their tractors. The above crew failed to produce any document pertaining to the above sand as well as their respective tractors and trailers.

Then the respondent police recorded the statements of the tractor drivers viz., (1) Sareddy Obula Reddy, 30 years son of Gangireddy, Potladurthy (v) who is the driver of tractor and trailer AP-04-TT-9658/9659 and (2) Yamanaboina Ramanji, 20years, son of Ramaiah, Potladurthy (v) who is the driver of tractor and trailer AP-04-TT-8383/8384 to that effect which are herewith enclosed for kind perusal. They stated that they got loaded the sand in Penna river stealthily and proceeding to Proddatur for sale of sand to the needy people and on their way the police caught their vehicles along with the sand. Since no documents/records pertaining to the above tractors and trailers and the sand which found available in them. Hence, the above tractors and trailers which loaded with sand were seized and kept in Proddatur I-Town Police Station premises for safe custody after observing all formalities. Later I sent a report to that effect to the Tahsildar, Proddatur for taking necessary legal action against the owners of the above seized tractors and the matter is under consideration. The respondent police also sent a letter to the Regional Transport Officer, Proddatur to know the correct owner of the above two seized tractors and reply from him is still awaited.

The owners of the above two tractors said to have transporting illicit sand through their tractors and trailers for their self benefit by changing the routes from time to time. The above owners utilizing the tractors only for illicit transportation of sand for earning huge amount. They became hazardous to the general public of Proddatur town and thereby creating scarcity of drinking water for them. It is incorrect that the above said got loaded from the patta land situated in survey No.46 of Potladurthy village, Yerraguntla Mandal. No such record is existing with the crew of the tractors.

Neither the crew nor its owners produce any documents pertaining to the above seized tractors either at the time of checking and subsequently also. The action taken by police in seizing the above

tractors which loaded with sand only in the interest of public purpose. The police did their work impartially without fear and favour. If the above tractors got released, they may be continued for the illicit transportation of sand for their self benefits.

The seizure of above two tractors which transporting the sand illicitly is in accordance to provisions of law. The owners of above seized two tractors conducting illicit transportation of sand.”

4. On noticing the same, the learned counsel for the petitioner has requested this court to dispose of the writ petition by recording the said written instructions.

5. In view of the above, the writ petition is disposed of by recording the above mentioned written instructions. No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

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