

HON'BLE SRI JUSTICE P NAVEEN RAO

WRIT PETITION No.31752 OF 2015

Date: 30.09.2015

Between :

Purnachandra Rao Kodela, S/o Venkateswarlu,
Aged about 33 years, Occu: Business, R/o.2-38,
Bhatlur, Sattenapalli, Andhra Pradesh.

.... Petitioner

And

The State of Andhra Pradesh, rep.by its Principal Secretary,
Home Department, Secretariat Building, Hyderabad and others.

.... Respondents

This Court made the following :

HON'BLE SRI JUSTICE P NAVEEN RAO

WRIT PETITION NO.31752 OF 2015

ORDER:

This writ petition is filed for a mandamus declaring the action of the respondents in seizing the petitioner's goods vehicle (Lorry) bearing No.AP 27 V 7575 without following any procedure as illegal, arbitrary and violative of principles of natural justice and for consequential direction to respondents 2 and 3 to release the said vehicle from their custody.

2. Heard the learned counsel for petitioner, learned Government Pleader for respondent Nos.1 and 3 and learned Government Pleader for respondent No.2.

3. Petitioner claims to be the owner of goods vehicle bearing No.AP 27 V 7575. He contends that on 20.09.2015 when he was transporting the sand with legal permit, the vehicle was seized alleging that transportation of sand was made illegally. Though the driver has shown the proof of having such permit, the same was not considered and vehicle was seized.

4. Learned counsel for petitioner submits that such action is illegal and in similar cases this Court has passed the orders.

5. In view of the submission and in view of the orders passed by this Court in W.P.Nos.4446 and 8360 of 2015, this writ petition is disposed of granting liberty to the petitioner to make appropriate application to the Revenue Divisional Officer, Ongole Division (2nd respondent) by enclosing a copy of the transit way bill and the documents in proof of ownership. The 2nd respondent shall consider the same and after satisfying with the genuineness of transit way bill and the ownership, he shall release the vehicle forthwith. If he is not satisfied on the validity of the way bill he shall release the vehicle subject to fulfillment of the norms laid down in G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated 28.08.2014 by imposing prescribed penalty provided therein and such exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

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

JUSTICE P.NAVEEN RAO

Date: 30.09.2015

Note: Issue C.C. by two days.

B/o

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