

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE TWELVTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.2713 of 2015

BETWEEN

Varanasi Prasad

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary,
A.P. Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner No.1 states that he is the owner of the Tata Lorry bearing No.AP 31T 8280. Similarly, petitioner No.2 claims to be owner of Mahindra Tractor bearing No.AP 07U 1193 and International Tractor bearing No.AP 05 AD 6350. Petitioners state that while they are carrying on business of giving the vehicles on hire, the vehicles were said to have been seized basing on the report of the Tahsildar, respondent No.3 addressed to respondent No.2 under Letter No.277/VG/2009 dated 17.12.2014 on the ground that the vehicles were found carrying mineral without royalty paid transit forms and

hence, kept in seized custody. Petitioners state that their request for release of the vehicles are not being considered and that their applications for release are not being entertained. Hence, the present writ petition is filed.

3. Learned Government Pleader places reliance upon Rule 26(1) of the A.P.Minor Mineral Concession Rules, 1966 and submits that for unauthorized quarrying the penalty prescribed in accordance with the Rules is required to be paid.

4. As stated above, the allegations of unauthorized quarrying can be against the owner of quarry and so far as petitioners are concerned, they are only transporters and not quarry owners. Since the petitioners' vehicles are seized and kept in the custody of the Tahsildar, and the petitioners in their affidavit state that they are prepared to pay the fine, if any, imposed with regard to the alleged involvement of the petitioners, in my view, it would be appropriate to dispose of the writ petition with the following directions:

1. While any charge of unauthorized quarrying is free to be investigated by respondent No.2 and take appropriate action against the persons responsible, the petitioners, who are only transporters, are permitted to make appropriate applications seeking release of their vehicles by approaching respondent No.2.

2. On receipt of such applications from the petitioners, respondent No.2 shall verify the facts and circumstances and pass appropriate orders for release of the vehicles to the petitioners subject to the condition that petitioners pay the fine as determined by respondent No.2 and shall also file undertaking that they shall not alienate or transfer the vehicles and shall produce the same as and when required and to ensure the compliance of the said order petitioners shall also deposit the attested copies of RC with respondent No.2, subject to orders to be passed by respondent No.2 for enquiry. Respondent No.2 shall thereafter conduct appropriate enquiry in terms of Rule 26(1) of the Rules, referred to above, and pass appropriate orders within one week from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 12, 2015
LMV