HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4281 OF 2015

O R D E R :

This petition is filed for a writ of *Mandamus* declaring the action of the respondents 4 and 5 in seizing the petitioner's vehicle bearing No. AP 12V 9117-Goods Carriage, without following any procedure under statutes contemplated under Section 9Q, Sub Section 7 of the A.P.Minor Mineral Concession Rules 1966, as illegal and arbitrary and against the principles of natural justice and for a consequential direction to the respondents to give interim custody of the said vehicles to the petitioner forthwith.

It is represented by the learned counsel for the petitioner that in similar circumstances, this Court has disposed of W.P.No.3747 of 2015 on 23.02.2015 giving certain directions and that the present case is covered by the said judgment, which is not disputed by the learned Assistant Government Pleader for Panchayat Raj (Telangana), Assistant Government Pleader for Revenue and Assistant Government Pleader for Home.

In view of the said representation, following the said judgment, the writ petition is disposed of directing the petitioner to submit an application for release of the vehicle before the competent authority and the competent authority, within three days from the date of receipt of such application, examine whether the vehicle is used in committing the offence for the first and second time; and if so, consider directing release of the vehicle on payment of the prescribed penalty. If, on the other hand, the vehicle is found to have been used in commission of the offence, for three or more times, the officer concerned shall consider directing release of the vehicle after deposit of amount in accordance with Rule-12 of GO.Ms.No.15, dated 19.02.2015 and also on execution of bond along with an affidavit giving consent to produce

the seized vehicle as and when required.

Accordingly, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

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A.RAJASHEKER REDDY, J

25.02.2015
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HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4281 OF 2015

Date: 25.02.2015

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