

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.4588 of 2015

Date: 26-02-2015

Between:

Sudarshanam Muppasani

.... Petitioner

AND

The State of Telangana, represented by its
Principal Secretary to Panchayat Raj Department,
Hyderabad and 4 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.4588 of 2015

ORDER:

This writ petition is filed for a *Mandamus* declaring the action of the respondents 4 and 5 in seizing the petitioner's tractor and trailer bearing Nos.AP-04-X-0645 and AP-04-X-0646 without following any procedure under statutes contemplated under section 9-Q Sub Section 7 of the Andhra Pradesh Minor Mineral Concession Rules, 1966 as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the respondents to give interim custody of the said vehicle to the petitioner forthwith.

2. 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 fact is not denied or disputed by the learned Assistant Government Pleader for Panchayat Raj (Telangana), Assistant Government Pleader for Revenue and Assistant Government Pleader for Home.

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

A. RAJASHEKER REDDY, J

Date: 26-02-2015

Ksn