

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.39405 of 2015

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04.12.2015

Between:

Belley Venkataiah and another

.. Petitioners

and

The State of Telangana,

represented by its Principal Secretary,

Panchayat Raj Department,

Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.G.Sundaresan

Counsel for respondent No.1: Assistant Government Pleader

for Panchayat Raj (TS)

Counsel for respondent No.2: Assistant Government Pleader

for Home (TS)

Counsel for respondent No.3: Assistant Government Pleader

for Revenue (TS)

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.2 in seizing the petitioners' tractor and trailer bearing registration Nos.TS ED 06 5352 and AP 22 D 4811 and registering Crime No.159 of 2015 on the file of Midjil Police Station, as illegal and arbitrary. The petitioners sought for a consequential direction to the respondents to release the seized vehicles.

The petitioners pleaded that on 09.11.2015, respondent No.2 has seized the aforementioned vehicles on the allegation that they were used for illegal transportation of sand and the aforesaid crime was registered in respect thereof and that thereafter, they have made application, dated 24.11.2015, to respondent No.2, who is the competent authority, for release of the seized vehicles. They further pleaded that as respondent No.2 has not received their application, they sent the same through registered post on the same day i.e., 24.11.2015. Their grievance is that no action has been taken by respondent No.2 on their application so far.

At the hearing, it is submitted by the learned counsel for both parties that as per G.O.Ms.No.3, Industries & Commerce (Mines-I) Department, dated 08.01.2015, as

amended by G.O.Ms.No.15, Industries & Commerce (Mines-I) Department, dated 19.02.2015, respondent No.2, who is stated to have seized the vehicles, is competent to release the seized vehicles.

In view of the above noted facts, it is appropriate that respondent No.2 considers release of the seized vehicles. Since the petitioners have already made their application, dated 24.11.2015, to the said respondent, he is directed to consider the same and pass appropriate orders as per the aforementioned G.Os. for release of the seized vehicles within a period of three days from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.50830 of 2015 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

04th December, 2015

GHN