

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

WRIT PETITION No.42076 of 2015

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28.12.2015

Between:

Narsimulu and another

.. Petitioners

and

The State of Telangana,
represented by its Principal Secretary,
Panchayat Raj and Rural Development Department, and others

.. Respondents

Counsel for the petitioners: Mr.Janardhana Reddy Ponaka

Counsel for respondent No.1: Assistant Government Pleader
for Panchayat Raj (TS)

Counsel for respondent No.2: Assistant Government Pleader
for Home (TS)

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Counsel for respondent No.3: Assistant Government Pleader
for Revenue (TS)

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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' tractors and trailers bearing registration Nos.AP 22 H 5972 and TS 06 UA 9491 and AP 21 TU 1426 and TS 06 UA 3389 and registering Crime No.153 of 2015 on the file of Maddur 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 19.12.2015, 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 21.12.2015, to respondent No.3 for release of the seized vehicles. Their grievance is that no action has been taken by the respondents 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.

The learned counsel for the petitioners has further submitted that though his clients have made application for release of the seized vehicles to respondent No.3, since respondent No.2 is the competent authority to release the seized vehicles, he has advised his clients to make a separate application to respondent No.2.

In view of the above noted facts, it is appropriate that respondent No.2 considers the application, if any, made by the

petitioners for release of the seized vehicles and passes an appropriate order thereon, as per the aforementioned G.Os., within a period of three days from the date of receipt of such application.

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.54262 of 2015 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

28th December, 2015
GHN