

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.5379 of 2015

ORDER:

This writ petition is filed for a *Mandamus* declaring the action of the respondent No.3 in seizing the petitioners' Tractors and Trailers bearing No. AP 21TU 2562/2563 and AP 21TW F/R AP 21Y 9041 by the 5th respondent even after having paid the penalty, as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the respondents to release the said vehicle for interim custody to the petitioner forthwith.

2. The case of the petitioners is that the respondent No.3 has seized the Tractor bearing No. AP 21TU 2562/2563 and AP 21TW F/R, AP 21Y 9041 on 12.02.2015 on the ground that the said vehicles were used for transportation of sand illegally, even though the petitioners have deposited penalty of Rs.30,000/- vide challan No.070934, dated 18.02.2015 for Rs.15,000/- and 070935 for Rs.15,000/- with the 5th respondent.

3. Learned Assistant Government Pleader for Mines and Geology, on instructions, states that since the petitioners' vehicles are involved in illegal transportation of sand, they have been seized.

4. Heard learned counsel for the petitioner, learned Assistant Government Pleader for Mines & Geology, learned Assistant Government Pleader for Home and learned Assistant Government Pleader for Panchayat Raj.

5. In the instant case, it is not in dispute that the petitioners have paid penalty of Rs.30,000/- as first time offender as per G.O.Ms.No.95, dated 28.08.2014. When once the statutory penalty is paid by the petitioners, the seized vehicles cannot be retained with the respondents and it is obligatory on the part of the respondents to release the vehicles forthwith. The payment of penalty is not in dispute.

In that view of the matter, the 3rd and 5th respondents are directed to release the vehicles to the petitioners, since the prescribed penalty has already been paid by the petitioners, in accordance with norms laid down under G.O.Ms.No.95, dated 28.08.2014.

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

A. RAJASHEKER REDDY, J

Date: 06-03-2015

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