

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.28541 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the seizure of the petitioner's goods vehicle bearing No.AP 29 TA 6156 as illegal, arbitrary and violative of Article 19 (1) (g) of the Constitution of India and consequently direct the 2nd & 3rd respondents to release the petitioner's vehicle by collecting penalty as per rules.”

It is represented by the learned counsel for the petitioners 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) and Assistant Government Pleader for Home.

It is also contended by learned counsel for the petitioner that the respondents need to consider the release of the vehicles in accordance with the amendments notified vide G.O.Ms.No.15, Industries and Commerce (Mines.I) Department, dated 19-02-2015.

On the other hand, it is submitted by the learned Government Pleader for Mines and Geology that the State Government brought certain amendments to Rule 13 of the Telangana State Sand Mining Rules, 2015 issued vide G.O.Ms.No.3, Industries and Commerce (Mines.I) Department, dated 08-01-2015 and request of the petitioner needs to be

considered in accordance with the said amendments notified vide G.O.Ms.No.54, Industries and Commerce (Mines.I) Department, dated 21-08-2015.

In view of the above submissions, the writ petition is disposed of, keeping it open for the petitioner herein to make necessary application within three (3) days from the date of receipt of a copy of this order for release of the vehicle before the competent authority in accordance with the amendments notified in G.O.Ms.No.15, Industries and Commerce (Mines.I) Department, dated 19-02-2015 and G.O.Ms.No.54, Industries and Commerce (Mines.I) Department, dated 21-08-2015. If any such application is submitted by the petitioner herein within the said period, same be considered and appropriate action be taken in accordance with the Rules, as expeditiously as possible, preferably within a period of two (2) weeks from the date of such application for release of vehicle. 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.V. SESA SAI, J

September 11, 2015

Note: Furnish C.C. in

two (2) days. B/o.Pn

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