

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

MONDAY, THE THIRTEENTH DAY OF JULY TWO THOUSAND
AND FIFTEEN

-
Present
HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.21357 of 2015

Between:

Uppaturu Yanadaiah,
S/o. Thirupaliah, Aged about 68 years,
R/o. D.No.2/149-Z11F,
Ramnagar, Rajampet Mandal,
YSR Kadapa District.

.. Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Mines and Industries Department,
A.P. Secretariat, Hyderabad & 4 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.21357 of 2015

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ORDER:

This writ petition is filed for a Mandamus declaring the action of respondents in seizing the petitioner's tractor and trailer bearing Nos.AP-04-Y-5482 and AP-04-Y-5494 without following any procedure as illegal, arbitrary and violative of principles of natural justice and for consequential direction to respondents to release the said vehicle from their custody.

2. Heard the learned counsel for the petitioner, learned Government Pleader for Mines for the 1st respondent, learned Government Pleader for Home for the 2nd respondent and the learned Government Pleader for Revenue for respondents 3 to 5.

3. The petitioner claims to be the owner of tractor and trailer bearing Nos.AP-04-Y-5482 and AP-04-Y-5494. He contends that on 07.03.2015 when he was transporting the sand with valid permit, the vehicle was seized alleging that transportation of sand was made illegally. Though the driver has shown the proof of having such permit, the same was not considered and vehicle was seized.

4. Learned counsel for the petitioner submits that such action is illegal and in similar cases this Court has passed the orders.

5. In view of the submission and in view of the orders passed by this Court in W.P.Nos.4446 and 8360 of 2015, this writ petition is disposed of granting liberty to the petitioner to make appropriate application to the Tahsildar, Pullampet Mandal, YSR Kadapa District (4th respondent) by enclosing a copy of the transit way bill and the documents in proof of ownership. The Tahsildar shall consider the same and after satisfying with the genuineness of transit way bill and the ownership, he shall release the vehicle forthwith. If he is not satisfied on the validity of the way bill, he shall release the vehicle subject to fulfillment of the norms laid down in G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated 28.08.2014, by imposing prescribed penalty provided therein and such exercise shall be completed within a period of three (3) weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 13th July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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