

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6629 OF 2015

ORDER

-

This writ petition is filed for a *Writ of Mandamus* declaring the seizure of the petitioner's vehicles bearing No.AP-29-TC-1116 & AP-29-TB-5553, as illegal and arbitrary and for a consequential direction to the respondents to release the petitioner's vehicles.

The case of the petitioner is that he is the owner of the vehicles bearing No. AP-29-TC-1116 & AP-29-TB-5553 and the said vehicles were seized by the 3rd respondent on 29.01.2015 on the ground of violation of Telangana State Sand Mining Rules, 2015. It is also stated that the vehicles may get damaged, if they are kept in the custody of the 3rd respondent in open place along with the sand. The petitioner further submits that he has approached the 3rd respondent by way of filing an application, requesting him to release the vehicles. But the 3rd respondent refused to entertain the application and have not released the vehicles so far. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Mines & Geology.

Learned counsel for the petitioner submits that G.O.Ms.No.3, Industries and Commerce (Mines-I) department, dated 08.01.2015 is further amended by G.O.Ms.No.15 dated 19.02.2015, wherein the penalties are provided for the offences committed for the first and second time. In spite of the same, the respondent authorities are not receiving the application of the petitioner for release of the vehicles by imposing penalty. He further submits that in respect of other offences, the amount to be deposited for release of the vehicles, pending confiscation is contemplated under G.O.Ms.No.15, dated 19.02.2015.

In view of the above, the writ petition is disposed of directing the petitioner to submit an application for release of the vehicle before the competent authority and the competent authority within three days from the date of receipt of the application, examine whether the vehicle is used in committing the offence for the first and second time; if so, consider directing release of the vehicles on payment of the prescribed penalty. If on the other hand, the vehicle is found to have been used in commission of the offence, for three or more times, the officer concerned shall consider directing release of the vehicles after deposit of amount, in accordance with Rule-12 of G.O.Ms.No.15, dated 19.02.2015 and also on execution of bond along with an affidavit giving consent to produce the seized vehicle as and when required.

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

A.RAJASHEKER

REDDY,J

Date: 18.03.2015

dv