

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

WRIT PETITION No.38530 of 2015

-

26.11.2015

Between:

T.Bhavani Sankar

.. Petitioner

and

The State of Andhra Pradesh,

represented by its Principal Secretary,

Industries and Commerce (Mines-IV) Department, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.M.Radha Krishna

Counsel for respondent No.1: Assistant Government Pleader

for Industries and Commerce (AP)

Counsel for respondent Nos.2 and 4: Assistant Government Pleader

for Revenue (AP)

Counsel for respondent No.3: Assistant Government Pleader for Home (AP)

The Court made the following:

-

-

-

-

-

-

-

-

ORDER:

Letter in Rc.No.648/15/A, dated 17.11.2015, of respondent No.2 addressed to respondent No.4, who is the competent authority to consider the release of the seized vehicles under G.O.Ms.No.6, Industries and Commerce (Mines-IV) Department, dated 12.01.2015, is questioned in this writ petition.

During the hearing of the case, Mr.M.Radha Krishna, learned counsel for the petitioner, has realized that the abovementioned letter is only an intra departmental correspondence between the Tahsildar and the Revenue Divisional Officer and that so far the petitioner's application for release of his seized lorry is not disposed of by the competent authority i.e., respondent No.4. The learned counsel for the petitioner has accordingly made a request to the Court to direct respondent No.4 to consider his client's application for release of the seized lorry in the light of way bills and cash/credit bills produced by the driver of the lorry at the time of seizure instead of leaving the seized lorry to wear and tear.

In view of the fact that the aforesaid letter, dated 17.11.2015, impugned in this writ petition being only an internal correspondence, it is unnecessary for this Court to delve into the views expressed by respondent No.2 in that letter. However, *prima*

facie, it appears that respondent No.2 has not considered the various documents, such as the way bills, dated 12.11.2015, issued by the Government of Andhra Pradesh, Commercial Tax Department and the transit pass, dated 11.11.2015, issued by the Tahsildar, Papadahandi, Odisha State etc.,.

Therefore, respondent No.4 is directed to consider all the above documents while taking a decision on the petitioner's application for release of the seized lorry. He shall pass appropriate order within a period of three days from the date of receipt of a copy of this order and communicate his decision to the petitioner.

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.49600 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

26th November, 2015

GHN

