

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.4446 of 2015

Date: 26-02-2015

Between:

G. Venkata Appa Rao

.... Petitioner

AND

The State of Andhra Pradesh, represented by its
Principal Secretary to Panchayat Raj Department,
Hyderabad and 3 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.4446 of 2015

ORDER:

This writ petition is filed for a writ of *Mandamus* declaring the action of the respondents in seizing the petitioner's lorry bearing No.AP-31-U-1347 without following any procedure under the statute as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the respondents to release the petitioner's lorry for his interim custody.

2. The case of the petitioner is that he is registered owner of the lorry bearing No.AP-31-TU-1347 and using the same for transporting goods and the petitioner is having all relevant permissions from Transport authorities also. It is stated that on 18-02-2015 the respondents 2 and 3 seized the lorry on the ground that the vehicle is transporting illegal sand quarry even though the sand was purchased from the authorized lease holder with a valid sand way bill issued by the Panchayat Raj and Rural

Development, Visakhapatnam and had not issued any seizing letter. When the vehicle was seized on 18-02-2015, the driver of the lorry produced the transit way bill dated 18-02-2015, but the respondents 2 and 3 did not consider the same and seized the vehicle. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development.

4. Having regard to the facts and circumstances of the case and in view of the fact that the petitioner has valid transit way bill in his favour, it is for the petitioner to make appropriate application to the 3rd respondent along with copy of the transit way bill and the 3rd respondent-Tahsildar, Gajuwaka, may, after satisfying with genuineness of the copy the transit way bill, consider the same and pass appropriate orders for release of the subject lorry and if the 3rd respondent is not satisfied, the vehicle may be released keeping in view the guidelines issued by the Government vide G.O.Ms.No.95, dated 28-08-2014 for imposing penalties.

With the above direction, 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: 26-02-2015
Ksn